



Town of Surfside
Special Town Commission - Quasi-Judicial Hearing
MINUTES
June 16, 2022
5:30 PM
Town Commission Chambers

1. Opening

1.A Call to Order

Mayor Danzinger called the meeting to order at 5:37 p.m.

1.B Roll Call of Members

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

Present: Mayor Shlomo Danzinger, Vice Mayor Jeff Rose, Commissioner Marianne Meisheid and Commissioner Fred Landsman.

Absent: Commissioner Nelly Velasquez

Also present were Town Manager Andrew Hyatt, Assistant Town Manager Jason Greene, Town Attorney Lillian Arango and Town Attorney Tony Recio.

1.C Pledge of Allegiance

Chief Torres provided the pledge of allegiance.

2. Mayor, Commission and Staff Communications

Mayor Danzinger welcomed everyone.

Town Attorney Arango read the quasi judicial statement into the record.

Town Clerk McCready confirmed notice requirements.

Mayor Danzinger had a conversation with Bill Thompson regarding item 2B (8995 Collins Avenue) a while back. He had no other conversations with any other applicant on this agenda.

Vice Mayor Rose stated that on item 2A (9173 Froude Avenue) he will have to recuse himself on this item due to knowing the applicant.

Commissioner Landsman had no conversations with any applicants on this agenda.

Commissioner Meischeid had conversations with Bill Thompson regarding item 2B (8995 Collins Avenue). She had no other conversations with any other applicant on this agenda.

2.A 9173 Froude Avenue - Walter Keller, PE, AICP, Town Consultant Planner

Staff Recommendation: It is recommended the Practical Difficulty Variance Application be approved allowing the floor area coverage to increase to 42.3%.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; [APPROVING/DENYING] A VARIANCE APPLICATION FOR PROPERTY GENERALLY LOCATED AT 9173 FROUDE AVENUE, SURFSIDE, FL, FOR A PRACTICAL DIFFICULTY VARIANCE PURSUANT TO SECTION 90-36(1)b OF THE TOWN'S CODE OF ORDINANCES TO ALLOW LOT COVERAGE OF 42.3% WHERE SECTION 90-49 OF THE TOWN'S CODE OF ORDINANCES LIMITS LOT COVERAGE TO 40% OF THE LOT AREA; PROVIDING FOR CONDITIONS; ADDRESSING VIOLATIONS OF CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk McCready read the resolution into the record.

Vice Mayor Rose stated he had a voting conflict on this item and therefore he will recuse himself on this item. He left the dais and chambers. He also provided the Form 8B to the Town Clerk for the record.

Town Attorney Arango stated that pursuant to our Code 90-36 requires 4 votes of this Commission and therefore, they do not have enough members to vote on this item. She provided the option of deferral to a date certain in order for them not to have to re-advertise. The suggested date for deferral is July 12, 2022 Commission Meeting.

A motion was made by Commissioner Landsman to defer this item to July 12, 2022 Commission Meeting at 7:00 p.m. or earlier, seconded by Commissioner Meischeid. The motion carried with a 3-0 vote with Commissioner Velasquez absent and Vice Mayor Rose recused.

[Resolution Approving Variance - 9173 Froude - 6-2-22.pdf](#)
[9173 Froude Avenue Agenda Packet.pdf](#)

2.B 8995 Collins Avenue - Multifamily 12 Story Site Plan Amendment - Walter Keller, PE, AICP, Town Consultant Planner

Staff Recommendation: Recommend approval of the proposed Site Plan Amendments subject to the following comments.

- Retain a larger portion of the existing building then currently proposed in the Site Plan Amendment

- Provide a beach drop-off area for resident loading and unloading
- Maintain a sufficient street pavement width on 90th Street to serve emergency vehicles
- Add 2 additional street trees
- Add 10 additional buffer trees
- Reconsider the width of the rooftop planters for 10 foot Green Buttonwoods with a 4 foot spread or propose an alternate tree species
- Any invasive material found on the site to be removed prior to CO.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; APPROVING A SITE PLAN AMENDMENT APPLICATION FOR PROPERTY GENERALLY LOCATED AT 8995 COLLINS AVENUE, SURFSIDE, FL, TO AMEND RESOLUTION NO. 19-2661 TO REDUCE THE ALLOWED NUMBER OF UNITS FROM 34 CONDOMINIUM UNITS TO 19 CONDOMINIUM UNITS, TO ALTER APPROVED FACADES, AND TO REDUCE PARKING FROM 70 PARKING SPACES TO 39 PARKING SPACES; INCORPORATING THE CONDITIONS, AND ALL OTHER ASPECTS OF THE ORIGINAL APPROVAL SET FORTH IN RESOLUTION NO. 19-2661 EXCEPT AS MODIFIED HEREIN; ADDRESSING VIOLATIONS OF CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Town Planner Keller presented the staff report with recommendations.

Graham Penn, Bercow and Radell, representing the applicant provided a presentation and introduced the architects, planners, landscape architects, and Fort Partners team.

Wally Lucky, landscape architect representing the applicant provided an overview of the pedestrian access and landscape portion of this project.

Graham Penn provided to the Clerk to hand out to the Commission the proposed modified conditions.

Jerome Engelking, representing the applicant provided a presentation.

Bill Thompson, Fort Partners, spoke regarding the retention wall on the northwest corner and they are working with the Town Planner.

Mayor Danzinger opened public comment.

There was no public comment.

Mayor Danzinger closed public comment.

Commissioner Landsman asked regarding the staff recommendations and the Planning and Zoning Board vote.

Town Planner Keller stated that it was a 5-0 vote.

Commissioner Landsman asked what was the percentage of the Florida friendly landscaping. He also stated that he wanted to make sure that the applicant addresses the landscape requirements.

Mr. Luck stated that a lot of their trees will be well adapted and stated that it would be approximately 80-85%.

Mr. Thompson spoke regarding what they will be doing on the streets, dunes and west side of the street.

Commissioner Landsman asked regarding the difference in the occupancy level. He asked regarding the refurbishment of the building and what would be the time frame.

Mr. Thompson stated that some of the individuals interested want the whole floor. He stated that they are preserving a portion and demolishing the rest and it should take about 31 months.

Commissioner Meischeid asked if the Town Attorneys are comfortable with modification conditions 34 and 35.

Town Attorney Recio went through the modification and the second change is a policy decision and he will be requesting direction from the Commission on that one. He stated that they are proposing for the second one to remain silent.

Mr. Thompson addressed the concerns and questions from the Commission on the modification.

Commissioner Meischeid asked regarding the \$600,000 already dedicated and can it be incorporated in the plan.

Town Attorney Recio stated that condition 4 already takes that into account.

Town Attorney Arango stated that it is stated in the resolution.

Mr. Penn addressed the comments made by the Commission on the conditions and improvements.

Vice Mayor Rose wanted to confirm that the public is very supportive of this project. He asked regarding what they will be doing structurally.

Mr. Thompson stated that they will be following the same protocol as the Hillcrest and the same safety protocol.

Vice Mayor Rose congratulated the architects for the work they have done paying tribute to the original architecture. He asked Mr. Thompson regarding walkability between Collins and Harding and some enhancements.

Mr. Thompson stated that whatever design is worked out it will extend to Harding Avenue and will be willing to work with the Town to come up with the right formula.

Vice Mayor Rose asked regarding the dunes and will they do the dunes on top of that if they gave a percentage credit.

Mr. Penn stated that they had the dunes in the original list.

Town Attorney Recio clarified condition number 4 and if they want a separate condition requiring the dune to be elevated and enhanced by the applicant, it can be done and commit some of the money for that.

Mr. Penn stated that condition number 6 in the original plan states that the dune is on top of the original \$600,000. He explained further the dunes.

Town Attorney Recio requested clarification on the diverter dunes.

George Kousoulas, representing applicant, explained what a diverter dune is and what it does.

Mr. Thompson is happy to do the dunes and for the Town to also assist getting the walkability as well.

Mayor Danzinger clarified what the \$600,000 is going towards.

Mr. Penn reiterated what the \$626,000 is going towards and what it will include.

Mayor Danzinger asked if they had an estimate on the corridor.

Mr. Thompson stated it is within the Town's discretion.

Mayor Danzinger likes the new improved version of the building and landscaping. He stated that the Town is focused on the walkability for the Town. He wanted to make sure a large vehicle can get out of that area.

Mr. Thompson addressed the comments made by Mayor Danzinger.

Town Planner Keller spoke regarding the street access and will take a bit more time then 30 days.

Mayor Danzinger spoke regarding traffic and if they can work with the Town Planner and the Public Works Director.

A motion was made by Vice Mayor Rose to approve with the staff recommendations and conditions as modified by the applicant (conditions 34 and 35 as provided by the applicant), seconded by Commissioner Meischeid. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

[8995 Collins Avenue Table 1.docx](#)

[Resolution Approving or Denying Site Plan Amendment - Surf House - 8995](#)

[Collins.pdf](#)

[8995 Collins Avenue Agenda Packet.pdf](#)

2.C 1385 Biscaya Drive - Walter Keller, PE, AICP, Town Consultant Planner

Staff Recommendation: It is recommended the Unnecessary and Undue Hardship Variance Application be approved with 10 foot side yard setbacks.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; [APPROVING/DENYING] A VARIANCE APPLICATION FOR PROPERTY GENERALLY LOCATED AT 1385 BISCAYA DRIVE, SURFSIDE, FL, TO ALLOW INTERIOR SIDE SETBACKS OF 7 FEET, 10 INCHES AND 8 FEET, 8 INCHES WHERE SECTION 90-45 OF THE TOWN'S CODE OF ORDINANCES REQUIRES INTERIOR SIDE SETBACKS OF APPROXIMATELY 16.6 FEET SUBJECT TO CONDITIONS; ADDRESSING VIOLATIONS OF CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Town Planner Keller provided staff recommendations.

Building Official McGuinness provided his recommendations.

Jennifer Gheri, Project Manager representing applicant provided a presentation of the project.

Mayor Danzinger opened public comment.

There were no public speakers.

Mayor Danzinger closed public comment.

Commissioner Landsman asked regarding the public notice and asked if they received any feedback from the neighbors.

Ms. Gheri stated that they had a good conversation with their neighbors. She also stated that the setbacks they are proposing is larger then required.

Commissioner Meischeid stated she was present at the Planning and Zoning Board Meeting and commented regarding the setback requirements and is concerned this sets bad precedence.

Vice Mayor Rose stated that he is comfortable with this application as is and stated that this is one of the issues in the current zoning code and was never addressed and it has to be changed.

Mayor Danzinger commented that the zoning code currently in place should be changed and is comfortable moving this forward.

A motion was made by Vice Mayor Rose to approve with staff recommendations made by Town Planner and Building Official as presented, seconded by Commissioner Landsman. The motion carried with a 3-1 vote. The motion failed for lack of a majority vote with Commissioner Meischeid voting in opposition and

Commissioner Velasquez absent.

A motion was made by Vice Mayor Rose to reconsider, seconded by Commissioner Landsman. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

Ms. Gheri addressed the concerns Commissioner Meisheid had regarding the setbacks.

Ashley Litwin, applicant, addressed the concerns and the current code was written for a rectangular lot and they are building in a way that is not encroaching their neighbors and they are not trying to encroach their neighbors and their lot of land is not the usual size.

Vice Mayor Rose asked if Commissioner Meisheid would be comfortable with an average of 10 feet total and provided the example based on the presentation.

Town Planner Keller is in agreement with that.

A motion was made by Vice Mayor Rose to move forward with the staff recommendations made by Town Planner and Building Official and with an average of the 10 feet total setback, seconded by Commissioner Landsman. The motion carried with a 4-0 vote.

[Resolution Approving Variance - 1385 Biscaya.pdf](#)
[1385 Biscaya Drive Agenda Packet.pdf](#)

3. Adjournment


A motion was made by Vice Mayor Rose to adjourn the meeting at 7:05 p.m.

Accepted this 12th day of July, 2022.



Shlomo Danzinger, Mayor

Attest:



Sandra N. McCready, MMC
Town Clerk