



**Town of Surfside
Special Town Commission - Quasi-Judicial Hearing
MINUTES
January 9, 2024
5:00 PM**

1. Opening

1.A Call to Order

Mayor Danzinger called the meeting to order at 5:01 pm.

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 Fred Landsman, and Commissioner Marianne Meisheid.

Absent: Commissioner Nelly Velasquez

Also Present: Town Manager Hector Gomez, Town Attorney Lillian Arango and Town Attorney Tony Recio.

1.C Pledge of Allegiance

Chief Marciante led the pledge of allegiance.

2. Quasi-Judicial Hearing

Mayor Danzinger reminded everyone from the public and on the dais to abide by the rules of decorum.

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

Town Clerk McCready swore in all the speakers.

Town Attorney Recio asked Town Clerk McCready to confirm compliance with the advertising and notice requirements for this hearing.

Town Clerk McCready confirmed noticing requirements were met.

Town Attorney Recio polled the members of the Commission for ex-parte communications.

There was no ex-parte communications from any members of the Town Commission.

2.A 9133 Collins Avenue - Site Plan Amendment and Conditional Use Application
- Hector Gomez, Town Manager

Staff Recommendation: This application is for a Site Plan Amendment to eliminate the hotel use from the prior approval and a Conditional Use request to operate a restaurant in a solely multifamily residential project. Both portions of the application have been reviewed and found to be compliant with the Zoning Code.

Development review requirements for Site Plan Amendments follow Sec 90-20(2)(a) of the Zoning Code which requires:

The development, as proposed, conforms to the Comprehensive Plan and the Zoning Code

The proposal complies with the Town's Comprehensive Plan in that the development is a residential use at a density consistent with the Future Land Use Plan. Staff also finds that the proposal generally complies with the Zoning Code.

The development, as proposed, will have a favorable or unfavorable impact on the environment and natural resources, including a consideration of the means and estimated cost necessary to minimize the adverse impacts, if any.

The project has minimal impacts on the environment and natural resources.

The development, as proposed, will have a favorable or unfavorable impact on the economy of the Town of Surfside.

This proposal will have a positive impact on the local economy by increasing the tax base. The redevelopment may also support other redevelopment in the area. The historic Seaway Villas restaurant will provide a unique restaurant experience in the Town.

The development, as proposed, will efficiently use or unduly burden water, sewer, solid waste disposal, education, recreation or other necessary public facilities which have been constructed or planned and budgeted for construction in the area.

While the increase in the restaurant size will increase some public facility demands, it will not offset the reduction in impact of the dwelling units and the elimination of the hotel and their reduction in the water, sewer, solid waste and other public facilities.

The development, as proposed, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, public streets, and roads, which have been planned and budgeted for construction in the area, and if the development is or will be accessible by private or public roads or streets.

It is expected the reduction in the dwelling units and the elimination of the hotel use will offset any increases associated with the increase traffic associated with the restaurant expansion.

The development, as proposed, is consistent with the community character of the immediate neighborhood. In addition to consistency there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation; and,

The current building exterior will remain the same and the historic Seaway Villas restaurant use will be compatible with the community character of the area.

In the event of redevelopment, the Applicant shall also submit a detailed plan for demolition.

The Applicant will comply with all applicable requirements of Ordinance No. 2022-1720, adopted March 8, 2022 (codified in Section 14-104 of the Town Code), regarding construction sites.

Town Administration recommends that the Applicant's Site Plan Amendment package be approved by the Town Commission with the following conditions:

- Restricted Covenant over the caretaker units to be sold in conjunction with the main unity. Caretaker units defined in Code Section 90-2.
- Parking utilization study after operations are functioning may allow for greater number of seats. This provision to be added to the development order to permit administrative review.

Conditional Use applications for restaurants in the H120 district are reviewed according to ordinance 23-1750, which requires:

- The restaurant is a full-service establishment that employs waitstaff.
- The restaurant use (including any outdoor dining) may comprise no more than 5% of the of the multifamily project's total floor area.
- Sufficient parking is provided per code section 90-77.
- Valet parking is provided for the restaurant use to prevent impact to traffic on Collins Avenue.
- The outdoor dining area may not have outdoor speakers and must close no later than 11pm
- Outdoor lighting must be internally directed.
- One wall sign of 20SF is permitted with approval form the Planning and Zoning Board.
- The Town Commission may impose other conditions or requirements.

All of the above conditions have been met and will be formally established through Resolution, if the Town Commission approves this application for a Conditional Use. Town Administration recommends that the Applicant's Conditional Use request be approved by the Town Commission.

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

Town Manager Gomez introduced Consultant Town Planner Walter Keller.

Consultant Town Planner Keller provided an overview and background of the project.

Ian DelMello representative for the project showed some renderings of the project.

Bill Thompson representative of the project also spoke on the item.

Mayor Danzinger opened the floor to public comments.

The following member of the public spoke:

George Kousoulas spoke in favor of the project. (Prior to speaking Mr. Kousoulas was advised that he has to register as a lobbyist after speaking on this item as he stated he currently works for Fort Partners. Mr. Kousoulas stated that he will register).

Mayor Danzinger closed the floor to public comments.

A motion as made by Vice Mayor Rose to approve the project and resolution, seconded by Commissioner Landsman.

Town Attorney Recio made a comment about an amendment that was provided ahead of time to the Town Commission located on page 3 of 8 in the resolution, under special conditions (A.1.) to read as follows:

Prior to any certificate of occupancy, the Applicant shall execute and record a Declaration of Use in form and substance acceptable to the Town Attorney, providing that only unit owners can own or rent a caretaker unit.

The motion carried 4-0 with Commissioner Velasquez absent.

[Attachment A-Site](#)

[Attachment B-DRG notes](#)

[Letter of Intent](#)

[Site Plan Amendment Plan Set](#)

[Landscape Plan Set](#)

[Reso Re Site Plan Amendment - 9133-9149 Collins Avenue.pdf](#)

2.B 9341 Bay Drive - Variance - Hector Gomez, Town Manager

Staff Recommendation: The setback variance application is determined to be in harmony with the general intent and purpose of the Town Comprehensive Plan and Town Code. The Planning and Zoning Board recommended approval of this application at its meeting on November 30th, 2023. Town Administration recommends that the Town Commission approves this application.

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

Town Manager Gomez introduced Town Planner Judith Frankel.

Town Planner Frankel provided an overview and background of the project.

Mayor Danzinger opened the floor to public comments.

The following individual from the public spoke:

George Kousoulas provided his opinion on this item.

Mayor Danzinger closed the floor to public comments and opened the discussion to the Town Commission.

Commissioner Landsman asked Town Planner Frankel about the comments Mr. Kousoulas made.

Town Planner Frankel stated that all those points were addressed in the staff report that was provided with the agenda packet.

Commissioner Meischeid stated that she does not believe that the applicant has followed the process. She stated that she believes that the applicant should write and state which of the eight criteria do they feel they are in need of.

A motion was made by Vice Mayor Rose to approve the resolution, seconded by Commissioner Landsman.

Sandra Sous, property owner spoke in favor of the item and expressed that she has done everything that she has been asked for by the Town. She stated that maybe everything was not done to perfection but as homeowners they are in compliance with everything they were required to do, and she would appreciate the Commission's approval.

Commissioner Meischeid insisted that the applicant did not follow the proper procedure and did not complete and submit the criteria herself.

After further discussion and at the request of Commissioner Meischeid, the applicant read into the record the merits of the criteria.

The motion carried with a 4-0 vote with Commissioner Velasquez absent.

[9431 Bay Images and Zoning Tables](#)

[Variance Set](#)

[Addition Plans Set](#)

[9341 Bay Drive Variance Application](#)

[Property Survey](#)

[9341 Bay MDC Property Appraiser summary](#)

[Variance Resolution - 9341 Bay Drive](#)

3. Adjournment

There being no further business to discuss before the Commission, a motion was made by Vice Mayor Rose to adjourn the meeting at 5:53 p.m., seconded by Commissioner Landsman. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

Accepted this _____ day of _____, 2023.

Shlomo Danzinger, Mayor

Attest:

Sandra N. McCready, MPA, MMC
Town Clerk