



**Town of Surfside
SPECIAL PLANNING & ZONING BOARD
MINUTES**

February 11, 2021 – 6:00 p.m.

1. Call to Order/Roll Call

Chair Frankel called the meeting to order at 6:02 p.m.

Present: Chair Judith Frankel, Board Member Fred Landsman (arrived at 6:05 pm), Board Member James MacKenzie, Board Member Ruben Bravo, Board and Vice Chair Oliver Sanchez; Alternate Board Member Horace Henderson (arrived at 6:11 pm and left the meeting at 6:11 pm)

Also, Present: Mayor Charles Burkett, Town Planner Walter Keller, Town Attorney Tony Recio and Town Manager Andrew Hyatt and Building Official Ulises Fernandez.

2. Town Commission Liaison Report – Mayor Charles Burkett

Mayor Burkett advised the board of their next zoning workshop on February 18, 2021 and stated that they will be able to get through the component.

Chair Frankel asked what timeline he sees will be taking place.

Mayor Burkett stated that they will be working as fast as they can and take care of the issues and narrow them.

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

Deputy Town clerk Herbello confirmed advertisement requirements.

Deputy Town Clerk Herbello swore in the public and applicants that will be speaking on the items.

Town Attorney Recio polled the Board Members.

The following Board Members stated that they did not have any communication with any of the applicants: Chair Frankel, Vice Chair Sanchez, Board Member Landsman and Board Member Bravo.

Board Member Mackenzie stated he was contacted by the architect and the applicant for 1221 Biscaya requesting a rehearing due to his application being previously denied.

3. Applications:

A. 9133 and 9149 Collins Avenue – Amendment to Site Plan

Town Planner Keller presented the item.

Background: This application is a request for a Site Plan Amendment to the approved development plans of the property commonly known as the Seaway Villas and Surf Club Apartments. This project is an aggregation of the two properties totaling 2.16 acres. The Surf Club Apartments 30 units will be demolished and the Seaway Villas with 28 units will be partially protected, renovated and major portions demolished. The Miami Dade Historic Preservation Board recommended approval of the redevelopment plan due to the restoration of the villas and landscaped courtyard which are an important feature of the site. The approved redeveloped site and 12 story structure includes 48 condo units and 31 hotel units. The partially protected and restored Seaway Villas will include 2 units and 1,100 square feet of restaurant and lounge. A total of 127 parking spaces were proposed in an underground garage using parking lifts.

A new architect of record has been engaged and a request for Site Plan Amendment presented. Proposed changes to the Site Plan include:

- A Density Reduction from 48 units and 29 hotel rooms to 31 units and 26 hotel rooms
- Expansion of the underground parking garage from 36,250 SF to 58,242 SF
- Balcony revisions to remove notches in the balcony design on the north and south levels
- Balcony revisions on the 11th floor level to be consistent with the lower floors
- The addition of decorative stone louvers and balconies on the 2nd and 3rd levels.

The proposed amendments in the density retain the general massing of the building. The expansion of the underground garage to approach the property limits is to reduce the number of parking spaces provided by lifts to allow for self-parking. The basis for the removal of the notches and other architectural revisions will be provided by the Applicant.

A series of architectural renderings indicate where the specific changes are proposed.

- Figure 1 – Comparison of Parking Garage – See Page 2
- Figure 2 – Comparison of Typical Floor – See Page 3
- Figure 3 – Comparison of 11th Floor – See Page 4
- Figure 4 – Comparison of West Elevation – See Page 5

Figure 1 illustrates the proposed changes to the parking garage (basement). The approved plan is depicted on the left and the proposed amendment is on the right. The parking garage size increases from 36,250 SF to 58,242 SF.

Figure 2 compares a typical floor. The approved plan is depicted on the left and the proposed amendment is on the right. The notches on the north and south portions of the building are removed in the proposed amendment. The notch on the east side of the building is retained.

Figure 3 provides a comparison of the 11th floor. The approved plan is depicted on the left and the proposed amendment is on the right. The notches on the north and south portions of the building are removed and revision in the balcony floor and ceiling are noted.

Figure 4 depicts the west elevation of the building with the 3:1 setback line for heights above 30 feet. The approved plan is depicted on the left and the proposed amendment is on the right.

The Applicant is proposing special construction techniques to protect the historic portions of the Seaway Villas. The Applicant should provide information on the proposed method.

The Design Review Group (DRG) met on Tuesday to discuss and review the proposed site plan amendments. The DRG was satisfied the impacts of the proposed site plan amendments reduce the impacts to public services and do not negatively impact the Town. A copy of the minutes of the DRG meeting is attached.

Staff Recommendation: Approve the proposed amendments to the approved plan of the Seaway Condo Acquisition LLC subject to complying with the 3:1 setback requirement above 30 feet in height and restoration improvements of the Seaway Villas and landscape courtyard consistent with the Miami Dade Historic Preservation Board's approval.

Alternate Board Member Henderson declared a conflict of interest on this item and recused himself at 6:11 p.m.

John Shubin, Esquire representing the applicant spoke regarding the project.

Ian DeMello, Esquire representing the applicant spoke regarding the project and provided a PowerPoint presentation.

Bill Thompson, developer for the applicant spoke regarding the application and project, as well as density reduction, the addition to the tower and the structural skeleton of the building.

Kurt Danwulf, architect representing the applicant spoke regarding the architectural improvement of the project and the privacy issue on the units. He also spoke regarding the balcony extension as well as it pertains to the code.

Discussion took place regarding the garage plan originally called for the use of parking lifts with all parking being through valet only. The expansion of the garage will allow for owners self-parking. The lifts allow for cars to be stacked vertically. The developer assured the Board that they are capable of constructing this expanded garage without damage to the historic structure to the north.

Town Attorney Recio clarified what is being done and it is not only a design review standard but it was a site plan application and what is before the Board tonight is an amendment to the site plan application which they are restricted by Section 92 and read the restrictions into the record.

Chair Frankel asked Town Planner Keller if he agrees with the applicant.

Town Planner addressed the setbacks, the side setbacks, the encroachments and there might need more work to be done but cannot say that there is an encroachment at this time.

Board Member Mackenzie asked Town Planner Keller if Florida Ratio is an issue and if the mass approved maxed out the ratio of the site.

Town Planner Keller stated that the massing of the approved building and this building is similar.

Board Member MacKenzie asked Town Planner Keller to go to page 3 of his report and spoke regarding the exhibit and adding FAR.

Town Planner Keller stated that he did not read anything on FAR and did not research on FAR and could not find it on this documentation.

Further discussion took place among the Board and Town Planner Keller regarding FAR, floor increases and historic preservation.

Board Member Bravo asked regarding if the balcony extended beyond the setback and would like to hear from Town Planner Keller. He asked regarding sustainability, LEED component and what LEED system they are pursuing and which grade and how this portion is developed for this project.

Town Planner Keller stated that there were LEED requirements on the project that the developer needs to address.

Board Member Bravo asked if a stormwater prevention plan is submitted with the application or do they have to wait for that information.

Town Planner Keller stated that they have provisions and they put in deep wells and the water then gets drained. They have 2 or 3 major well points in this building.

Vice Chair Sanchez commented on the prior approval process of this application and believed that the Town found themselves in a mess with the sand that was removed and who can answer the question of what they are doing with the sand.

Bill Thompson, architect for the applicant stated that they are doing soil mixing and bringing some clean sand in and they have an agreement with Miami Beach to bring the sand back and confirmed that the sand is not contaminated.

Further discussion took place among the Board Members and the applicant regarding the placement of the sand, underground parking and will the additional area be under the historic buildings that will have to be preserved.

Board Member Landsman asked what the time estimate from start to finish would be for this project.

Bill Thompson, architect for the applicant addressed the comment made and stated it would take approximately 2 ½ years from start to finish.

Board Member MacKenzie spoke regarding the lack of the setback.

Chair Frankel requested deferment and to have Town Planner Keller research that item.

Town Attorney Recio stated that the Board could make a recommendation to pull back the balcony.

A motion was made by Board Landsman to approve changes to the application, seconded Board Member MacKenzie. The motion carried with a 5-0 vote.

Building Official Fernandez spoke regarding the water pollution and sand issue and stated that it is up to Miami Dade County.

The following individuals from the public spoke:

George Kousoulas

Jeff Rose

B. 9165 Abbott Avenue – Garage Conversion and Addition

Town Planner Keller introduced the item and stated that the garage is being modified and some portion will be used for storage.

Background: This application is a request to approve a 540 square foot (SF) addition to an existing single-family residence with additional renovations to the roof, exterior, windows and driveway. The parcel is located in the H30B Zoning District. The Applicant has provided a current survey and provided details on the improvements and proposed elevations. An overhead aerial photo from the Miami Dade County Property Appraiser and a Google Street View are provided on the following page.

Governing Codes: The Zoning in Progress requirements for the proposed improvements are detailed in the following Zoning Codes:

2006 Code: Front yard landscape 50% minimum; Rear yard landscape 40%.

2020 Code: Base Flood Elevation +2; Pervious area 35% minimum; Residential Design Guidelines (building massing, decorative features, architectural style, wall materials and finishes; roof materials, types and slopes; windows and trims).

2006/2020 Codes: Maximum lot coverage 40%; Maximum height 30 ft; Front and rear setback 20 ft; Front setback permeability 50%.

Zoning in Progress: Maximum 40% lot coverage does not include uncovered steps and exterior balconies; uncovered terraces, patios, porches open on 2 sides; covered terraces, patios or porches open on 2 sides (these exemptions not to exceed 15% of the total footprint)

Staff Recommendation: Review of the application package, aerial photos from the property appraiser, Google Street View and planning staff review of the codes indicates the Applicant generally complies with all the 2006, the current Municode and Zoning in Progress relative to the proposed improvements and should be approved subject to following comments.

- Provide calculations and worksheet verifying 50% landscape area in the front yard setback
- Provide calculations and worksheet verifying 40% landscape area in the rear yard setback
- Provide calculations and worksheet verifying building floor area is 40% or less of the lot size
- Provide information and material details on the driveway improvements
- Verify the accessory uses (pool, decks, steps, and terraces) do not exceed the 15% requirement
- Verify the maximum building height does not exceed 15 feet
- Verify the eaves on the new roof does not extend more than 8 inches into the side yard

Juan David, architect for the project stated that they complied with the requirements as requested from the previous meeting.

The following members of the public spoke:
George Kousoulas

Board Member Bravo asked if they still have to comply with the two-car space.

Town Planner Keller stated that they do have to comply and will still leave the garage door to use for storage.

Chair Frankel stated that they do have two parking spots in the front.

A motion was made by Board Member Landsman to approve the application with staff recommendations, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

C. 9573 Harding Avenue – Wall Sign

Town Planner Keller presented the item.

Background: This application is a request to place a permanent wall sign. Signs are also proposed for the windows and door. The parcel is located in the SD-B40 Zoning District. In addition to this Memorandum, an Agenda Packet submitted by the Applicant is attached.

Governing Codes: The Zoning in Progress requirements for a permanent wall sign and window/door signs are detailed in the following Zoning Code sections:

2006 Code: 90-209(c)1 – Provides a wall sign of 1 square foot (SF) for each 1 foot of frontage. In the Business District for stores with less than 25 feet of frontage, a 25 SF sign is allowed. This store front has 14 feet of frontage.

2008 Code: 90.71.1 – Also allows a wall sign of 1 square foot (SF) for each 1 foot of frontage. In the Business District for stores with less than 25 feet of frontage, a 25 SF sign is allowed. This store front has 14 feet of frontage.

Current Municode: 90-73.a(3b)(2) – The Code has further restrictions including requiring a ¼ inch to 2 inch offset from the wall to allow rain water to drain and limits illumination to white LEDs.

Current Municode: 90-73.a(3)c – The Code limits the window and door signs to not exceed 20% of the window or door area. Lettering is limited to 8 inches in height. Allowable material includes painted gold leaf, silver leaf, silk-screened, cut or polished metal, cut or frosted vinyl and etched glass. The proposed window and door signs are consistent with the Code.

Staff Recommendation: Recommend approval of the window and door signs. The Applicant's proposed wall sign is 21.3 SF. The illumination of the sign is not specified. It is recommended the permanent wall sign also be approved subject to the following condition:

- The sign shall be illuminated with white LEDs per the Code.

Chair Frankel asked if they met the illumination requirement.

Town Planner Keller could not find what they found regarding the illumination.

Chair Frankel asked if there is a backlit or do they have to have it shine on the back.

Further discussion took place regarding the illumination and how many candles or lumens.

Board Member Bravo stated that they have to comply with hurricane compliance.

Board Member Mackenzie is afraid that it will destroy the wall with the ripple effect of the sign.

Chair Frankel spoke regarding the black letter sign and they need information regarding the illumination.

Vice Chair Sanchez asked if the signs have to be illuminated.

Town Planner Keller stated that he does not know if they have to be illuminated and knows that the code requires white LED illuminated signs.

Board Member Mackenzie stated that they need Town Planner Keller to relate information to the applicant to have the proper information needed and would encourage the black awning to be removed.

Chair Frankel stated that they do not have purview over the awning at this time.

Further discussion took place regarding the awning and the vinyl on the glass.

A motion was made by Board Member Bravo to reject the application.

Board Member Bravo withdrew his motion.

A motion was made by Board Member Landsman to defer the item to the February 25, 2021 meeting in order for the applicant to have all requirements met. The motion died for lack of a second.

A motion was made by Board Member Landsman to defer this item indefinitely, seconded by Vice Chair Sanchez. The motion carried with a 4-1 vote with Board Member Bravo voting in opposition.

Board Member Mackenzie stated that applications should not be coming before them if they are not completely ready and they need to tighten up the ship if not then do not have a Planning and Zoning Board. He stated that their questions are not being addressed or answered and that is the obligation of the Town Planner.

Chair Frankel addressed the comments made by Board Member Mackenzie.

Town Planner Keller stated that he reviewed the original approval from the Town and the FAR.

The following members from the public spoke:
George Kousoulas
Jeff Rose

Town Attorney Recio commented on the qualification of the Board Members regarding the 2006 code and the reviews. He urged the Board for patience since they are applying two (2) codes, ZIP and working on a new code.

Board Member Bravo stated why he decided to be part of the board.

Chair Frankel asked Town Manager Hyatt regarding the sand issue and stated that it is a big issue and can they get the County and DEP involved and hopes that is on his radar moving forward.

4. Reconsideration of 1221 Biscaya Drive Motion by Board Member James Mackenzie

Town Planner Keller introduced the item.

Background: This application is a request for a front yard fence, 16-foot driveway gate and pedestrian gate on Biscaya Drive. The parcel is located in the H30A Zoning District adjacent to the Biscaya Drive bridge. An overhead aerial view from the Miami-Dade County Property Appraiser is provided on the following page with two Google Street View captures on page 3. In addition to this Memorandum, an Agenda Packet was submitted by the Applicant.

Governing Codes: The Zoning in Progress requirements for a front yard fence are detailed in the following Zoning Code sections:

2006 Code: Sec 90-163 – An ornamental fence, wall or hedge, not more than 5 feet in height may project into any side or rear yard. No fence, wall or ornamental fence shall be constructed in a front yard.

Current Municode: 90-56.2 & 3 – Allows fence or ornamental walls in the front yard or primary corner yard if granted design review approval by the Planning and Zoning Board. Further limits height for a lot wider than 50 feet a 4-foot height plus 1/2 foot for each 10 feet exceeding 50 feet.

Zoning in Progress: 50% of front yards must be landscaped and 20% of all landscape area must be Florida Friendly as defined in the Current Zoning Code.

Applicant Package: A seven-page presentation package was prepared by Swedroe Architects and a separate current survey was also provided. The Applicant is requesting a 5-foot-high aluminum and or wood fence complying with the 50% opacity requirement. The most recent discussions with the architect indicate a 4 ½ foot high black aluminum fence with 16-foot motorized gate with a 3-foot-wide pedestrian gate is

desired. The architect's plan provides 605 square feet of landscape area in the front yard setback area.

Staff Recommendation: Recommend a 4 ½ foot black aluminum metal fence placed on the south property line of Biscayne Drive with a 16-foot-wide motorized driveway gate and a 3-foot-wide pedestrian gate be approved complying with the 50% opacity requirement.

The Applicant to provide 605 square feet of landscape area in the front yard setback area as depicted in the Applicant's package.

The Planning and Zoning Board gives design approval of the Applicant's proposal and conditions.

Board Member Mackenzie stated that at the last meeting they rejected the application and was contacted by the owner in the interest of negotiating with the Board and stated the process of reconsideration.

A motion was made by Board Member Mackenzie to move forward with reconsideration, seconded Board Member Landsman. The motion failed with a 3-2 vote with Board Member Bravo, Vice Chair Sanchez and Chair Frankel voting in opposition.

Sebastian Guejmans, applicant spoke and clarified the misunderstandings on the application and why they contacted Board Member Mackenzie.

Chair Frankel explained to the applicant that they need new plans, they have to reapply with the new plans and it did not make sense to reopen with the existing plans. She advised the applicant that they also have to submit a new application with the new plans in the future.

Laurie Swedroe, architect for the applicant stated that the applicant will take the recommendations and they will reapply with a new application.

The following individual from the public spoke on the item:

Jeff Rose

George Kousoulas

Chair Frankel stated they need a planning and zoning meeting strictly for design review guidelines and prefers pools not to be at the front.

5. Next Meeting Date: February 25, 2021

Consensus was reached to have the next meeting on February 25, 2021.

6. Discussion Items:

A. Future Agenda Items

Board Member Bravo thanked Town Attorney Recio for addressing their concerns, as well as the green initiatives and solar panels are not being addressed.

Chair Frankel commented on requirements on LEED certification and LEED equivalencies in the code.

Board Member Bravo requested to look at what the City of Miami does and LEED certification takes priority over other projects.

Town Attorney Recio addressed the design guideline standards.

Board Member Landsman commented on the meeting last Thursday on the workshop and wanted to make a comment to relay a message to the Commission. He wanted to convey that it is very distressful politics at action among the commissioners and offer up suggestions, ideas, interactions and more often for it not to evolve into political pointing fingers. He suggested that in a public meeting and workshop to do some work and not forget what they did 6 months ago.

Vice Chair Sanchez would like more sprucing up with the design review group.

Town Attorney Recio stated that they can schedule an item addressing their comments and send to the Commission.

Chair Frankel encouraged for all the Board Members to take time to go through the zoning code, mark it up and make their comments and possibly Town Planner Keller to look at other municipalities which might be useful. She would like to have Town Planner Keller to give his opinion.

Town Planner Keller stated that one thing that might be helpful is to take it bit by bit and the changes to be made possibly by a separate ordinance as well as zoning guidelines making them via ordinances.

Chair Frankel asked that whatever is specific on the code can be added in the agenda for March.

Town Planner Keller spoke regarding design guideline standards.

Vice Chair Sanchez spoke regarding the guidelines and a little professional help from CGA could assist.

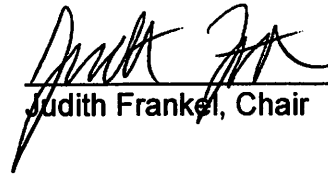
Board Member Landsman spoke regarding the backlog and to have as many completed and evaluated and for those applicants that have their applications complete for those to have priority. He is fine with having two (2) meetings a month until they catch up.

7. Adjournment:

A motion was made by Board Member Landsman to adjourn the meeting without objection at 8:56 p.m. The motion received a second from Board Member Bravo. The motion carried with a 5-0 vote.


Respectfully submitted,

Accepted this 25th day of February, 2021.



Judith Frankel, Chair

Attest:



Sandra McCready, MMC
Town Clerk