



**Town of Surfside  
PLANNING & ZONING BOARD  
AGENDA**

**JANUARY 27, 2022 – 6:00 p.m.**  
Town Hall Commission Chambers –  
9293 Harding Avenue, 2<sup>nd</sup> Floor, Surfside, FL 33154

**1. Call to Order/Roll Call**

Chair Frankel called the meeting to order at 6:00 p.m.

**Present:** Chair Judith Frankel, Vice Chair Fred Landsman, Board Member Ruben Bravo, Board Member Randi MacBride, Board Member James MacKenzie and Alternate Board Member Carolyn Baumel.

**Absent:** Mayor Charles W. Burkett

**Also, Present:** Town Manager Andrew Hyatt, Town Planner Walter Keller, Town Attorney Tony Recio, and Building Official Jim McGuinness.

**2. Town Commission Liaison Report – Mayor Charles Burkett**

No Liaison report was provided due to Mayor Burkett being absent.

**3. Approval of Minutes – November 16, 2021 and December 16, 2021**

A motion was made Vice Chair Landsman to approve the November 16, 2021 as amended and December 16, 2021 Planning and Zoning Board Meeting Minutes as amended, seconded by Board Member Bravo. The motion carried with a 5-0.

Chair Frankel advised the Board that due to the first item on the agenda and in an effort to save time, she would like to request a motion to extend the meeting now.

A motion was made by Vice Chair Landsman to extend the meeting to 10:00 p.m., seconded by Board Member Bravo. The motion carried with a 5-0 vote.

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

Deputy Town Clerk confirmed notice requirements.

Town Attorney Recio polled the Board Members.

Chair Frankel stated that she spoke with Mr. Thompson.

Vice Chair Landsman stated that everyone received an email from Horace Henderson.

Board Member Bravo was contacted by Fort Partners to explain the project.

Board Member Baumel was contacted by Bill Thompson to explain the project.

Board Member MacKenzie was contacted by Neisen Kasdin to explain the project.

No other Board Members had any communication with any of the applicants.

Deputy Town Clerk Herbello swore in all applicants.

#### **4. Applications:**

##### **A. 9165 Collins Avenue – Site Plan Approval**

**Background:** This application is a request for Site Plan Approval for proposed development for the property commonly known as the Hillcrest by the Sea Co-op Apartments. The existing two 2-story buildings with 24 units will be demolished. The developable portion of the site is located from the Collins Avenue east right of way line to the Town of Surfside Bulkhead Line and totals 0.54 acres. The area east of the Bulkhead line to the Erosion Control Line (ECL) is a private recreation area totaling 0.33 acres. A 11-story structure with 13 apartments units and 33 parking spaces in an underground garage is proposed.

The project site is located on the north side of the Seaway Villas and on the south side of the Carlisle on the Ocean. The project frontage on Collins Avenue is 100 feet. The project is proposing to utilize Ordinance 21-1716 which was adopted on second reading on November 9, 2021. The Ordinance provides an additional option to address side setbacks in the H120 Zoning district when lots are 100 feet or wider. The new option allows a 20-foot setback on each side with an additional 5-foot average setback. The average setback may be applied at any point along the floor of the building, mixed and matched among floors, and /or joined with setbacks taken from the opposite side elevation. The option requires determination of the aggregate volume of the average setback. The resulting building envelope under this option produces a building with less volume than that derived from the Inclined Side Setback option where a 10-foot side setback increases 1 foot for each 3 feet of height above 30 feet.

The use of the new setback option allows the building design to provide large balconies on the east, south and west while minimizing the balconies on the north. The first floor of the building provides for a lobby, stairwells and non-habitable spaces, cabanas and pool for a majority of the residents. Additionally, a large

cabana space is provided for the apartment above on level 2 with private garden spaces, large deck area and private pool.

Level 2 includes a fitness center and one apartment. The building is designed to provide very large apartments with the possibility that on floors which have two apartments a purchaser may combine the two units into a larger apartment. This could happen on levels 3, 4 and 5.

Levels 6, 7, and 8 provide for one large apartment with approximately 12,555 SF including the balconies. Levels 9 and 10 are considered penthouses with apartments with approximately 12, 500 SF including the balconies.

The rooftop is level 11 with mechanical equipment in an enclosed area and private decks and pool for the penthouse below. Table 1 below, summarizes site characteristics and zoning requirements.

The Design Review Group (DRG) met on Friday, January 14, 2022 to discuss and review the proposed site plan request. 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 will be provided prior to the meeting.

**Staff Recommendation:** Staff finds the proposal generally complies with intent Ordinance 21-1716 and the Town's Zoning in Progress although portions of the staff review are being finalized. It is recommended the Applicant's Site Plan package be reviewed. Staff is working to summarize graphics to assist on key characteristics. An updated report with additional site information, proposal details and staff suggested conditions will be provided prior to the meeting.

Board Member MacKenzie asked who participated in the DRG on the part of the Town.

Town Planner Keller stated the individuals that participated, and the last pages of the memo are the minutes from that meeting.

Ian DeMello, Shubin and Bass, on behalf of the applicant provided a summary of the project along with a PowerPoint presentation. He stated that they are not requesting any variances or special exceptions.

James Galvin, Fort Partners development team, went over the facts of the Hillcrest and the timeline of the development plan and vibration mitigation plan of the project. He stated that they are anticipating demolition in March 2022. He provided the timeline of the commencement of the project and the completion of the project. He spoke regarding the traffic study that was performed.

Kurt Dowel, for the Seaway project spoke regarding the building envelope and landscaping. He also went over the site plan as it pertains to the landscaping and the canopies.

Town Planner Keller went over the criteria that should be utilized in review of approving a project of this level. He stated that it does conform to the comprehensive plan and spoke regarding the location of the land. He stated that these are not typical units but very large units. He stated from a density number they do conform with our Land Use Plan and conforms with the Zoning Code and the Zoning In Progress (ZIP) as well as with the ordinance that regulates this type of project. They meet the requirements of the Comprehensive Plan and Zoning Code. He also stated that the building will have more open spaces and air. He stated this will also have a positive economical impact to the Town and will not have a big impact on public safety and traffic. He stated that there is not much of a setback and that is because the underground garage extends to the first level setback. His other concern is the setbacks on the balconies, they meet them, but they have a decorate portion that extends out above the balcony setbacks. He stated that there are minor differences in the landscape plan and the architectural plan. He continued going over the staff recommendations.

The following individuals from the public spoke:

Horace Henderson (Deputy Town Clerk Herbello read his email sent into the record)

Gilberto Garcia, a resident of the Carlyle Building, spoke regarding safety of the construction of the building. He stated that Bill Thompson and his group kept their promise with what the residents requested and safety is of the utmost and he thanks Bill Thompson for that. He is in support of the project.

Sebastian Garcia, spoke about meeting with Bill Thompson and his group and they have done nothing more than cooperate with them and go the extra mile to make sure safety is first and they had their structural engineer with theirs approving and monitoring the process along the way. He is in support of the project.

Shannon Gallagher, spoke against the project and has safety concerns with this project and what took place with the Champlain Tower South and 87<sup>th</sup> Park.

Chair Frankel explained that they are here as a design review board and their comments have to go to the Commission as it relates to the reports, testing and funding spent on the Champlain Towers.

Town Attorney Recio stated this Board is making a recommendation and the final decision rests on the Commission and they can take their concerns to the Commission.

Vice Chair Landsman stated that this Board has no impact on timing or when this project should go forward, they are only looking at the design and setbacks. He explained again the role of this Board.

Chair Frankel reiterated that they are limited to what they are able to do and if they approve the design, it still has to go before the Commission for their approval.

Deborah Duvdevani, Carlyle Building, spoke in opposition of the project and stated her concerns.

Jeff Rose spoke regarding the design and likes the design; he spoke regarding the text amendment and setbacks. He spoke in support of the project.

George Kousoulas spoke regarding the text amendment that keeps being mentioned. He stated that he is pleased with the design of the building.

Lard Scarab stated that it is a beautiful building but the Board has a responsibility to wait for the results of what happened with Champlain Towers before having this move forward.

Chair Frankel closed the public comment portion.

Chair Frankel spoke regarding addressing the safety and hear again the process of how it is going to work and get the comments from the Building Official. She spoke regarding the decorative nose of the balcony and would like to hear about the parking garage and how that would be functioning and would like clarity on that subject.

Vice Chair Landsman thanked all the residents for participating and asked if there are any other residents from the Carlyle and asked who are against or in favor of the project. He stated that he needs input from the architect, designer and the Building Official.

Chair Frankel reopened the floor to public comment.

The following individuals from the public spoke:

Deborah Duvdevani asked regarding the spacing between the buildings.

Shannon Gallagher asked where are the people parking that attend the second pool.

Vice Chair Landsman spoke regarding the timing of the building going up and the Commission will have more input on the timing of the project. He asked regarding the setback as the building goes up and as a design aspect. He stated that the developer and architect took into consideration the recommendations that the Board has asked for in the past.

Chair Frankel stated that the code changed and spoke regarding the requirements in the new code as it pertains to this project. She explained how the zoning code change plays into this project.

Chair Frankel closed the floor to public comments.

Mr. Gavin addressed the questions regarding the setbacks.

Mr. DeMello explained the setbacks and the balconies and spoke regarding the H120 and provided an ornamental design to the balconies. He spoke regarding the ornamental features.

Board Member MacKenzie asked regarding the ordinance that it allows them on top of meeting the setback requirements and they are allowed to extend 2 feet and not count it towards that envelope.

Town Attorney Recio explained the setback and the allowable projections as it pertains to the zoning code requirements. He also explained what the applicant is proposing.

Board Member MacKenzie asked legally what the answer would be and it sounds to him that they are getting the benefit.

Town Attorney Recio stated that the concern is double dipping into the projections.

Board Member MacKenzie stated that he would not like to approve something and then their attorney sues the Town. He stated he is afraid of setting a precedent with this project. He was expecting more of a variation.

Mr. DeMello stated that they are legally able to do it under the code and the text amendment as it pertains to the ornamental feature of the balconies and the balconies are not extending out.

Board Member Bravo asked if they could show how it is protruding.

Town Planner Keller stated this is the first time they use this ordinance. He stated that to him it is an extension of the balcony even though it is decorative and that is his concern.

Board Member Baumel spoke regarding the architect and designers using the flexibility and design element and this is decorative inspired by someone with a creative design. She stated this is not usable space, it is strictly decorative.

Mr. Galvin stated that the code they are following states exactly that and went over the decorative feature and façade. He read the section of the code that allows them to have that feature.

Chair Frankel stated that in reviewing the zoning code they have come across similar issues. She stated that when they find discrepancies then they need to address it.

Board Member MacKenzie asked Mr. Galvin to show the setback on the floor that is being presented.

Mr. Galvin showed the setback line on the presentation as well as the bulkhead line.

Board Member MacKenzie spoke regarding the setback line and the balcony.

Chair Frankel stated that on the site plan it shows there are two lines and looks slightly off.

Mr. Galvin stated that the design intent is for it to be on the setback.

Board Member MacKenzie spoke regarding discrepancies on the site plan with the setback lines. He spoke regarding the landscape plans and the project. He spoke regarding the civil plans and his concerns with them.

Mr. Dowel stated that it meets code.

Board Member MacKenzie stated that he knows that they will meet code because the Building Department will make sure of that. He stated that his point is a question of trust. He would like to request a continuance of this project. He stated that the drawings are not correct and has mistakes in them.

Mr. Dowel, stated that the drawings meet code and the engineers will make sure everything works.

Board Member Bravo understands what Board MacKenzie stated. He stated that he has seen these buildings before and how many sheets and is assuming this is the final set.

Mr. Galvin stated that once they receive approval of some form of design they will then work on the final set.

Board Member Bravo stated that they are trying to represent based on the code what is best for the Town. He asked if they have an estimate when they would have the final set.

Mr. Galvin responded to Board Member Bravo's question and provided a step by step of the process in getting the final design based on recommendations.

Bill Thompson, Fort Partners, stated that they will do whatever the Board would like them to do and explained that they do the final design once they have

recommendations and ready for the final project. He stated that he values Board Member MacKenzie's comments.

Board Member Bravo stated that he wants to have their neighbors understand what the process is. He asked what is the process with FDOT.

Mr. Galvin advised that they are already working with FDOT. He stated that the formal approval will come after.

Board Member Bravo asked when does the Town need the formal approval.

Town Planner Keller stated that will take place when they go for the permits and right now, they would have a preliminary approval.

Mr. Thompson stated that they do need a permit.

Town Attorney Recio reiterated that they are here for a site plan approval and they are looking at the criteria based on the code and if the development conforms with the zoning code and read the requirement into the record.

Chair Frankel stated that in the interest of moving this forward. She stated the only issue with the zoning code is the decorative nose and it meets the code and clarify it and it is decorative and not impacting the zoning code. She spoke regarding the environmental impact, impact on the economy it meets that as well. She spoke regarding the water plan and flood criteria and clarify the flood requirements.

Mr. Galvin addressed the comments made regarding the flood criteria and requirements and they have addressed the Building Official's concerns.

Chair Frankel stated that she does not believe the project will have a negative impact with traffic and the look of the building and it makes a nice look and spoke regarding the feature of the historic building portion. She stated that decorative extension and the windblown look provides a nice contrast. She spoke regarding the landscaping. She stated that she appreciates them being proactive to the safety concerns and issues.

Board Member MacKenzie went through the different criteria and provided his comments and concerns. He does not want to create a precedent.

Mr. Galvin and Mr. Thompson addressed the comments and concerns as it pertains to the access of the Fire Department and their equipment.

Board Member MacKenzie addressed his concerns with the issue of the Fire trucks.

Mr. Thompson addressed those concerns and his issues with the Fire Department with the Surf Club with an incident as it relates to the trucks.

Board Member MacKenzie continued with the criteria and provided his input.

Mr. Thompson spoke regarding the zoning code and the measurement of the height and where it is being measured from. He stated that they are taller than the Carlyle and are in compliance with the old code and the recommended new code.

Town Attorney Recio explained how it is written in the code, it is from the wave crest and the clarification as what it means and the Commission decided to set a point. He read how it is written in the code. He stated it is set at that level and 120 feet from there.

Town Planner Keller explained the height level and their plan is consistent with what the Town Attorney said and what the Commission approved.

Board Member MacKenzie asked for a definition of habitable space.

Town Attorney Recio stated that we do not have it on our code, it is defined in the Florida Building Code.

Vice Chair Landsman agrees to move on with the agenda. He asked Town Attorney Recio if the Commission has any expectations of them hearing it.

Mr. Thompson stated that they would like to be able to go in front of the Commission.

Chair Frankel would like to focus on the design and if appropriate, to speak to the Commission separately on setting up the time line. She spoke regarding the decorative element and is aware it is a potential precedent and is comfortable with it.

Town Planner Keller provided staff recommendations as it pertains to the plans and verify the landscaping over the garage.

Board Member MacKenzie asked if they continue this project could they come back next month.

Town Attorney Recio stated that if they are continuing this then they need to articulate what the changes are in order for the applicant to come back with those changes.

Board Member MacKenzie spoke regarding drainage, drywells and water infiltration trench.

A motion was made by Board Member MacKenzie to continue this item to February and for the applicant to meet with Town Planner Keller to comply with the recommendations made by the Town Planner, seconded by Board Member MacBride. The motion carried with a 3-2 vote with Chair Frankel and Vice Chair Landsman voting in opposition.

Town Planner Keller stated that conceptionally the project is good to move forward and they can take care of the minor recommendations before going to the Commission.

A motion was made by Board Member MacKenzie to reconsider the previous motion made in order to defer the item to a date certain, seconded by Board Member MacBride. The motion carried with a 5-0 vote.

A motion was made by Board Member MacKenzie to defer the item to the February 24, 2022 agenda, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

Board Member Baumel asked if they can hear the ordinance.

Chair Frankel stated that they will get to the ordinance but would like to continue with the agenda.

## **B. 8943 Hawthorne Avenue – New Two-Story Residence**

**Background:** This application is a request to demolish an existing 1-story single family residence and pool, constructing a new 2-story single family residence with an open trellis (107 SF) located in the side yard, a concrete driveway with grass inlay in the front; A/C unit on the north side of the second-floor balcony, a covered terrace (298 SF) and pool with deck (264 SF) in the rear yard. The parcel is located in the H30B Zoning District at 8943 Hawthorne Avenue. The average lot depth is 112.5 feet with a width of 50 feet. The site plan indicates the lot size is 5,625 square feet (SF). The proposed air-conditioned floor space totals 2,250 SF.

The setback requirements for the H30B Zoning District are 20-foot front, 5-foot side and 20 feet rear. The Applicant is proposing a 20-foot front setback with a rear setback of 20 feet and a 5-foot side setback. Total lot pervious area is 1,972 SF or 35.1% where 35% is required. The front yard setback pervious area is 516 SF or 51.6% where 50% is required. The rear yard setback pervious area is 571 SF or 57% where 40% is required. The second floor under ac is proposed at 1,772 SF or 78.5% of the first floor where 80% is the maximum. The maximum allowed roof height is 30 feet and the maximum height of the parapet is 3 feet,

the proposed plans meet the requirements. Table 1 on page 2 provides information on site characteristics and zoning requirements.

A variety of architectural enhancements are proposed. These items include a black garage door, black wood entrance door, black impact doors and windows, black metal railing, exterior gray masonry tiles, and simulated wood accents on the front of the house. The exterior will be painted white stucco with a gray stucco base. The plans also include a concrete driveway with 4-inch grass inlay and walkway with landscaping. Detailed drawings were provided by the applicant with limited information on the pool.

The applicant is proposing two palm trees for the street tree requirement, where 2 street trees are required (Palm Trees are counted 3:1). The applicant is also proposing 6 new royal palm trees with a total of 25 shrubs for the lot, where 5 trees of two different species and 25 shrubs are required for single-family homes. It is unclear whether the proposed palm trees meet the requirements of the code. A total of 100% of the trees on site are palm trees, where 40% is the allowed maximum. The site plan shows one species of palm trees proposed and no species of shade tree, where there must be a minimum total of 2 different tree species. A total of 20% of all landscaping is proposed to be Florida-Friendly where the Zoning in Progress requires 40%. Figure 1 is an aerial view of the existing property.

**Applicant Package:** A package of 8 drawings and an application was submitted by the Applicant with a recent survey dated 9/29/2021.

**Staff Recommendation:** It is recommended the Application be approved conditionally subject to the following comments:

- Per the **Zoning in Progress**, all landscaped areas must include 40% of Florida-Friendly materials. Provide calculations to show this requirement is met.
- The future pool and deck should be defined to ensure rear setback requirements are met in addition to landscape/pervious area, per **Sec. 90-54.2**.
- Provide the style and height dimension for the fence. Maximum fence height is limited to 6 feet, see **Sec. 90-56**.
- Street trees are required along the public street frontage of the property, see **Sec. 90-89**. Street trees shall be required at one shade tree per 20 linear feet of street frontage thereof along all public or private street rights-of-way in all zoning districts. It is suggested the trees be planted along the property lines. Palm trees count as 3:1; therefore, three palm trees equals one tree.

- Please refer to **Sec. 90-95** for H30B landscape requirements. A total of four (4) different tree species is recommended, the code requires: 30% shade trees, 30% small trees, and a maximum 40% palm trees. Palm trees are counted on a 3:1 ratio and must meet the requirements set forth in the above referenced section.
- A tree removal permit is required prior to the removal or relocation of existing site trees, per **Sec. 90-97**.

Note, this report maybe updated prior to the meeting.

George Kousoulas, representing the applicant provided an overview of the project.

Vice Chair Landsman asked if this came before them before.

Mr. Kousoulas stated that it is a new application.

Vice Chair Landsman stated it looks very familiar.

Chair Frankel stated that if these two properties were next to each other she would have a problem because of the uniformity. She does not have a problem with the design but would caution the public to not build the same thing next door.

Mr. Kousoulas addressed the comments made regarding the uniformity of homes.

Board Member MacBride stated that she has a concern with the cable lines and the trees being too close.

Building Official McGuinness provided his recommendation on the project.

Board Member Baumel commented on how the landscape has changed and it was very attractive.

Board Member Bravo was under the same impression that he had reviewed this before. He stated the home is beautiful and he would appreciate something different but that is his taste. He asked regarding the trash area outside and sees only the slab.

Mr. Kousoulas stated it is the side step slab.

Board Member MacKenzie asked about the space between the second floor and the ceiling of the first floor and how much space they would have. He asked about the elevation of the north side and commended him for doing that. He asked regarding the terrace coming off the master bedroom on the second floor and the articulation when it meets the massing on the street.

Mr. Kousoulas stated that there would be about 30 inches including the slab and the entire home will be poured concrete. He addressed the questions made by Board Member MacKenzie.

Board Member MacKenzie asked regarding the pool and the steps and cannot agree with those steps.

Mr. Kousoulas stated that these pools are becoming more difficult and commented on the location of the pool. He addressed the comments made by Board Member MacKenzie as it relates to the steps.

Chair Frankel does not understand what Board Member MacKenzie means regarding context.

Board Member MacKenzie discussed the context of the pools sticking out of the ground.

Town Attorney Recio stated that Board Member MacKenzie is making his thoughts known.

Board Member Baumel stated that the challenge is the context of the pool has become integrated.

Vice Chair Landsman stated that if the owner would like stairs for a certain reason which is not visible, we as a Board cannot deny them if it meets code.

Town Planner Keller provided staff recommendations.

A motion was made by Vice Chair Landsman to approve the application with staff recommendations, seconded by Board Member Bravo. The motion carried with a 4-1 vote with Board Member MacKenzie voting in opposition.

### **C. 9049 Carlyle Avenue – New Two-Story Residence**

**Background:** This application is a request to demolish an existing 1-story single family residence and construct a new 2-story single family residence with an open trellis (107 SF) located in the side yard, a concrete driveway with grass inlay in the front; A/C unit on the south side of the second-floor balcony, a covered terrace (298 SF) and pool with deck (264 SF) in the rear yard. The parcel is located in the H30B Zoning District at 8943 Hawthorne Avenue. The average lot depth is 112.5 feet with a width of 50 feet. The site plan indicates the lot size is 5,625 square feet (SF). The proposed air-conditioned floor space totals 2,250 SF.

The setback requirements for the H30B Zoning District are 20-foot front, 5-foot side and 20 feet rear. The Applicant is proposing a 20-foot 9-inch front setback with a rear setback of 20 feet and a 5-foot side setback. Total lot pervious area is 1,972 SF or 35.1% where 35% is required. The front yard setback pervious area is 516 SF or 51.6% where 50% is required. The rear yard setback pervious area is 571 SF or 57% where 40% is required. The second floor under ac is proposed at 1,772 SF or 78.5% of the first floor where 80% is the maximum. The maximum roof height is allowed at 30 feet and the maximum height of the parapet is 3 feet, the proposed plans meet these requirements. Table 1 on page 2 provides information on site characteristics and zoning requirements.

A variety of architectural enhancements are proposed. These items include a black garage metal door, black wood entrance door, black aluminum impact doors and windows, black metal railing, exterior gray masonry tiles, and wood accents on the front of the house. The exterior will be painted smooth white with a stucco finish. The plans also include a concrete driveway with 4-inch grass inlay and walkway with landscaping. The proposed A/C unit is located on the second floor and screened behind a portion of the house. Detailed drawings were provided by the applicant with limited information on the pool. Figure 1 is an aerial view of the existing property.

The applicant is proposing two palm trees for the street tree requirement where 2 street trees are required (Palm Trees are counted 3:1). The applicant is also proposing 6 new royal palms trees (2 trees total) and a total of 25 shrubs for the lot, where 5 trees of two different species and 25 shrubs are required for single-family homes. 100% of proposed trees are palm trees and 75% of proposed trees are of the same species where the code requires a maximum 40% palm trees and no more than 30% of proposed trees can be of the same species. It is unclear whether the proposed palm trees meet the requirements of the code. A total of 20% of all landscaping is proposed to be Florida-Friendly where the Zoning in Progress requires 40%. Figure 1 is an aerial view of the existing property.

**Applicant Package:** A package of 8 drawings and an application was submitted by the Applicant with a recent survey dated 9/28/2021.

**Staff Recommendation:** It is recommended the Application be approved conditionally subject to the following comments:

- Per the **Zoning in Progress**, all landscaped areas must include 40% of Florida-Friendly materials. Provide calculations to show this requirement is met.
- Per the **Design Guidelines for Single family residential properties**, building forms should be varied enough to avoid monotony and to avoid pyramidal massing and should be compatible with surrounding houses.

- The future pool and deck should be defined to ensure rear setback requirements are met in addition to landscape/pervious area, per **Sec. 90-54.2**.
- Provide the style and height dimension for the fence. Maximum fence height is limited to 6 feet, see **Sec. 90-56**.
- Street trees are required along the public street frontage of the property, see **Sec. 90-89**. Street trees shall be required at one shade tree per 20 linear feet of street frontage thereof along all public or private street rights-of-way in all zoning districts. It is suggested the trees be planted along the property lines. Palm trees count as 3:1; therefore, three palm trees equal one tree.
- Please refer to **Sec. 90-95** for H30B landscape requirements. A total of two (2) different tree species is required: 30% shade trees, 30% small trees, and 40% palm trees. Palm trees are counted on a 3:1 ratio and must meet the requirements set forth in the above referenced section. Provide details and calculations to show this requirement is met.
- A tree removal permit is required prior to the removal or relocation of existing site trees, per **Sec. 90-97**.

Note, this report may be updated prior to the meeting.

George Kousoulas, representing the applicant provided an overview of the project.

The following individual from the public spoke:  
Jeff Rose

Building Official McGuinness provided his recommendations.

Vice Chair Landsman spoke regarding the way it is looking is that there are homes that are looking similar and spoke regarding the setbacks and many homeowners want to maximize their square footage but they need to have some flexibility so that the average setback can be changed to give some alternatives.

Board Member MacKenzie spoke regarding the pool and understory.

Board Member Baumel spoke regarding the understory and appreciates a house with this type of design.

Chair Frankel addressed comments made by Board Member MacKenzie regarding the pool and spoke regarding the understory.

A motion was made by Vice Chair Landsman to approve the application with staff recommendations, seconded by Board Member Bravo. The motion carried with a 4-1 vote with Board Member MacKenzie voting in opposition.

A motion was made by Vice Chair Landsman to move Item 5 to be heard now, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

#### **D. 600 88<sup>th</sup> Street – New Two-Story Residence**

**Background:** This application is a request to demolish an existing 2-story single family residence and construct a new 2-story single family residence with a covered patio, cabana, terrace, trellis, garage, a concrete driveway; A/C unit located on the roof, and a pool with deck and fire pit located in the rear yard. The application also includes turf grass on both roofs of the garage and cabana with pool equipment adjacent to the proposed garage. The parcel is located in the H30A Zoning District at 600 88TH Street. The average lot depth is 201.2 feet with a width of 50.06 to 75 feet. The site plan indicates the lot size is 14,962 square feet (SF). The proposed air-conditioned floor space totals 9,914 SF.

The setback requirements for the H30A Zoning District for a corner lot are 20-foot front, 7.5-foot interior side, 10-foot secondary frontage, and 20-foot rear. The Applicant is proposing a 20-foot front setback, a 10-foot secondary frontage setback, and a rear setback of 20 feet with a 7.5-foot interior side setback. Total lot pervious area is 5,377 SF or 35.93% where 35% is required. The front and rear yard pervious area was not provided. The second floor under ac is proposed at 4,405 SF or 79.96% of the first floor where 80% is the maximum. The required roof height is 30 feet and the maximum height of the parapet is 3 feet, the proposed roof height is 30 feet with a 1-foot parapet. Table 1 on page 2 provides information on site characteristics and zoning requirements.

A variety of architectural enhancements are proposed; however, the plans do not provide details on the materials or colors that will be used. The applicant is proposing to remove (24) trees and relocate (11) palm trees and (2) trees. A total of nine (9) street trees are proposed where 11 street trees are required. The applicant is also proposing an additional 14 site trees of 4 different species where a minimum of 9 trees of 5 different species are required, in addition to a total of 128 shrubs for the lot, where 65 shrubs are required. A total of 42% of proposed trees are shade/canopy trees where the code requires shade/canopy trees constitute 20%, intermediate trees constitute 20%, small trees constitute 20%, and palm trees constitute no more than 40% of required trees. Per the code, no more than 30% of required trees shall be of the same species, the site plan is proposing 34% of site trees as a single species (green button). Figure 1 is an aerial view of the existing property.

**Applicant Package:** A package of 13 drawings and landscape plans with an application that was submitted by the Applicant with a recent survey dated 6/14/2021.

**Staff Recommendation:** It is recommended the Application be approved conditionally subject to the following comments:

- Per the **Zoning in Progress**, each lot must provide 50% of front yards and 40% of rear yards must be landscaped; all landscaped areas must include 40% of Florida-Friendly materials. Provide calculations to show this requirement is met.
- Per the **Zoning in progress**, hedges for single-family lots shall be permitted within front yards of all lots and on secondary front (side street) yards of corner lots, at a height not to exceed six (6) feet as measured from grade.
- Per the **Zoning in Progress**, roof decks are not permitted, proposed “gym” area on the garage is not permitted.
- Per the **Zoning in Progress**, proposed roof top mechanical equipment shall not be visible from eye-level view from a grade at a distance of 75 feet from any property line, provide line-of-sight drawings for zoning approval. Additionally, the equipment must be screen in a way that adequately hides the equipment from view from all angles, including above, and matches surrounding texture, color and appearance. The equipment shall be acoustically screened to reduce noise to no more than 55 dBA when measured from any property line.
- The future pool and deck should be defined to ensure rear setback requirements are met in addition to landscape/pervious area, per **Sec. 90-54.2**.
- Provide the style and height dimension for the fence. Maximum fence height is limited to 6 feet, see **Sec. 90-56**.
- Street trees are required along the public street frontage of the property, see **Sec. 90-89**. Street trees shall be required at one shade tree per 20 linear feet of street frontage thereof along all public or private street rights-of-way in all zoning districts. Proposed trees should meet the diversification requirements of the code, no more than 30% of required trees can constitute the same species. It is suggested the trees be planted along the property lines.
- Per **Sec. 90.89 and 90-95** for H30A landscape requirements. A total of five (5) different tree species is required: 20% shade trees, 20% intermediate trees, 20% small trees, and no more than 40% palm trees. Palm trees are counted on a 3:1 ratio and must meet the requirements set forth in the above referenced section.

- A tree removal permit is required prior to the removal or relocation of existing site trees, per **Sec. 90-97**.
- Please provide architectural plans to include the proposed materials and colors to be used.

Note, this report may be updated prior to the meeting.

Kobe Karp, representing the applicant, confirmed there is a landscape area and they do comply with the 15% requirement.

Building Official McGuinness provided his recommendations.

Mr. Karp agrees with the recommendations provided by the Town.

The following individuals from the public spoke:  
Jeff Rose

Board Member MacKenzie commented on a great job done. He asked regarding the overflow and projecting off the façade. He asked if the pool overflows in a channel below the grass. He asked possibly lifting the area to not see the pump.

Mr. Karp stated yes and no leaders. He also confirmed the question regarding the pool overflow. He stated that he agrees with the recommendation to hide the pump.

Board Member Bravo asked regarding a wall on the rendering and how high is the wall. He wanted to confirm there are no gates.

Mr. Karp stated it is 6 feet and within the setback. No gates.

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

#### **E. 9540 Bay Drive - New Two-Story Residence**

**Background:** This application is a request to demolish an existing 1-story single family residence, pool with garage, and construct a new 2-story single family residence with two attached garages on the north and south side of the property, a covered outdoor dining area (125 SF), covered lounge, cabana, firepit, covered porch (850 SF), paver driveway, and a pool with a deck located in the rear yard. The application also includes a concrete wall around the entire property and an ADA ramp located on the north side of the property attached to the garage. The parcel is located in the H30A Zoning District at 9540 Bay Drive. The average lot depth is 182 feet with a width of 125 feet. The site plan indicates the lot size is

22,726 square feet (SF). The proposed air-conditioned floor space totals 13,803 SF.

The setback requirements for the H30A Zoning District are 20-foot front, 20 feet rear and a side setback of 12.5 feet. The Applicant is proposing a 20-foot front setback, 12-foot 6-inch side setback, with a rear setback of 50 feet. Total lot pervious area is 8,170 SF or 36% where 35% is required for the lot. The front and rear yard setback pervious area was not provided. The second floor under ac is proposed at 6,103 SF or 79% of the first floor where 80% is the maximum. The maximum allowed roof height is 30 feet and the maximum height of a parapet is 3 feet, the proposed roof height is 30 feet with a 1-foot parapet. Rooftop mechanical equipment is being proposed with a 3-foot screen, no other details have been provided. Table 1 on page 2 provides information on site characteristics and zoning requirements.

A variety of architectural enhancements are proposed, however details regarding proposed materials and colors were not provided. The applicant is proposing to remove 30 trees and relocate 43 palm trees. A total of 8 street trees are proposed where 6 street trees are required. The applicant is also proposing an additional 19 site trees and 4 new palm trees of 6 different species where a minimum of 12 trees of 5 different species are required, in addition to a total of 204 shrubs for the lot, where 95 shrubs are required. The site plan indicates a total of 66% of site trees are palm trees, per the code no more than 40% of required trees can be palms. Additionally, a minimum of 30% of required trees shall be shade trees, small trees can be a maximum of 30%. Site plan does not provide a breakdown of the landscape requirements per the code.

**Applicant Package:** A package of 8 drawings and an application was submitted by the Applicant with a recent survey dated 08/10/2021.

**Staff Recommendation:** It is recommended the Application be approved conditionally subject to the following comments:

- Per the **Zoning in Progress**, the front yard is required to be 50% pervious/landscaping and the rear yard is required to be 40% pervious/landscaping, all landscaped areas must include 40% of Florida-Friendly materials. Provide calculations/workshop to show the requirements are met.
- Per the **Zoning in Progress**, rooftop mechanical equipment shall be set back from the roof perimeter so that the equipment or screening elements are not visible from eye-level view from grade at the property line; screen by an enclosure of sufficient height which completely hides the equipment from view from all angles, including from above and matches surrounding in texture, color, and appearance; shall be acoustically screened to reduce noise to no more than 55 dBA when

measured from any property line. Please submit line-of-sight drawings for zoning approval.

- Per the **Design Guidelines** for Single family residential properties, building forms should be varied enough to avoid monotony and to avoid pyramidal massing and should be compatible with surrounding houses.
- The future pool and deck should be defined to ensure rear setback requirements are met in addition to landscape/pervious area, per **Sec. 90-54.2**.
- Per **Sec 90-54.3** an open, uncovered porch, patio, or terrace may occupy are or interior side setback requirements. The required setbacks are an interior and rear side of 5 feet. The future firepit should be defined to ensure the rear setback requirement is met.
- Provide the style and height dimension for the concrete wall. Maximum height for an ornamental wall is limited to 6 feet. Ornamental walls placed within the front yard must be approved by the Planning and Zoning Board. Walls and fences above 2 feet shall maintain a maximum opacity of 50%, see **Sec. 90-56**.
- Per **Sec. 90.89 and 90-95** for H30A landscape requirements. A total of five (5) different tree species is required: a minimum of 30% shade trees, a maximum of 30% small trees, and no more than 40% palm trees. Palm trees are counted on a 3:1 ratio and must meet the requirements set forth in the above referenced section.
- A tree removal permit is required prior to the removal or relocation of existing site trees, per **Sec. 90-97**.
- Please provide architectural plans to include the proposed materials and colors to be used.
- Provide the setbacks for the proposed lounge, firepit and outdoor dining area.

Note, this report may be updated prior to the meeting.

Kobe Karp, representing applicant, accepts all recommendations and provided an overview of the project.

Building Official McGuinness provided recommendations.

Chair Frankel wanted to point out the design review guidelines has special consideration for gateway properties and does consider this property as a gateway property.

Board Member MacBride asked if the seawall will be replaced.

Amit Kort, Waterview Holding, LLC, owners of the property stated that they have the permits for replacing the seawall.

Chair Frankel has a question on the gate in the front and would like to have seen more of a landscaping plan, but you do not see it from the rendering.

Mr. Karp stated that they do have large specimens of trees in the front of the house.

Chair Frankel asked the height of the wall.

Mr. Karp stated it is 6 feet on the property line.

Town Attorney Recio stated that they can do a 6-foot wall and read the requirement per the code.

Further discussion took place among the Board, staff and Mr. Karp regarding if there will be a gate, hedging and landscaping as well as the trees and their location.

Mr. Karp stated that they would like to keep the pickets to allow the landscaping to grow on both sides.

Town Attorney Recio stated that if they could keep the trees out of the right of way it would be preferable.

Chair Frankel spoke regarding the spacing for the trees.

Town Attorney Recio stated that the proposed wall which is there still has space without going into the right of way.

Discussion took place regarding the picket fence and the distance from the property line and the wall.

Mr. Karp stated it is 5 feet from the property line.

Board Member MacKenzie asked regarding the ramp and it should be a slope and not a ramp.

Mr. Karp stated that they will call it a slope.

Board Member MacKenzie stated that they should put a curb for their liability and the slope is sticking out of the property line. He asked regarding the firepit being really close to the seawall and would that cause a problem or is it allowed.

Town Planner Keller stated that it is closer than they would like it, he has seen that before, he does not believe they have enough detail on the firepit.

Mr. Karp stated it is 14 x 14 but he can reduce it.

Board Member MacKenzie asked regarding the roof and the slopes. He also discussed drainage.

A motion was made by Board Member MacKenzie to approve the application with staff recommendations including that the wall be at 6 feet as a picket fence with vertical pickets. that the stairs will not project from the roof line, to create a curb far enough from the edge so the architecture can maintain its integrity, shade trees on both sides of the wall within the property line and no gates, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

#### **F. 8866 Carlyle Avenue – Garage Conversion**

**Background:** This application is a request to convert an existing garage to living space and install a pool with a deck in the front yard. The application also includes a new concrete driveway with grass inlay. The garage door will be replaced by a solid exterior wall with two windows. The interior lot is zoned H30B totaling 5,600 square feet (SF) per MDCPA.

Figure 1 on the next page is an aerial view of the property. In addition to this Memorandum, a package of a floor plan and survey was submitted by the applicant.

**Governing Codes:** The December 2021 **Zoning in Progress** relevant requirements for lots in the H30B District are:

Maximum lot coverage is 40% of the lot (except swimming pools, screen enclosures and pergolas). Uncovered steps and exterior balconies; uncovered terraces, patios, breezeways, or porches open on two sides; and covered terraces, patios, breezeways, or porches open on two sides are not included but cannot exceed 15% of the total footprint.

Each lot must provide 35% pervious area and 50% of front yards and 40% of rear yards must be landscaped, and 40% of the landscaped area must be Florida Friendly as defined in the current Zoning Code.

**MuniCode: 90-50.1 (7)** – allows for a garage conversion and the garage door may be replaced with a solid exterior wall with at least one window and with access internally from the main premises. Landscaping shall be provided along the base of the new exterior wall.

**Applicant Package:** A package of the survey and floor plan was submitted by the Applicant dated 6/21/21. An update of the plans which includes the pool was submitted 1/4/22.

**Staff Recommendation:** The proposed improvements appear to be generally consistent with the Town's Land Development Regulations. Recommend approval subject to the following conditions:

- Provide calculations, worksheet and information to determine pervious area requirements for the total lot, front and rear setback requirements:
  - o 35% of total lot must be pervious/landscaping
  - o 40% of total landscaping must be Florida-Friendly
- One street tree is required for every 20 linear feet of street frontage, therefore a total of two street trees are required along the right-of-way per **Sec. 90-89.4(6)**.
- Mechanical equipment must be screened per **Sec. 90-95 (3) (b)**.
- A tree removal permit is obtained for the removal of existing trees in the location of the proposed pool per **Sec. 90-97**.

Note, this report may be updated prior to the meeting.

Jose Garazo, applicant stated he accepts all recommendations.

Vice Chair Landsman asked if there are two applicants.

Town Planner Keller stated that the owner must have contracted two different parties.

Building Official McGuinness provided recommendations.

Board Member MacKenzie stated that part of the guidelines speaks about context that additions look as part of the home. He suggested making it look like the rest of the house.

Mr. Garazo stated that is something that they can consider.

A motion was made by Board Member MacKenzie to approve the application with staff recommendations and replicate the windows like the rest of the house, seconded by Vice Chair Landsman. The motion carried with a 5-0 vote.

## **G. 9340 Harding Avenue – Garage Conversion**

**Background:** This application is a request to legalize a garage conversion. The applicant is also proposing to relocate the front door to the previous garage space area and replace the current front door with a window. Additionally, the previous garage door is to be replaced by a solid exterior wall with one window. The plans also show the replacement of the existing window near the existing front door. The interior lot is zoned H30B totaling 5,600 square feet (SF) per MDCPA.

An aerial is provided on the following page and a Google Street View is located on page 3. The proposed conversion and changes will not increase the buildings footprint or setbacks. In addition to this Memorandum, a package of a floor plan, elevations, and survey was submitted by the Applicant.

**Governing Codes:** The December 2021 **Zoning in Progress** relevant requirements for lots in the H30B District are:

Maximum lot coverage is 40% of the lot (except swimming pools, screen enclosures and pergolas). Uncovered steps and exterior balconies; uncovered terraces, patios, breezeways, or porches open on two sides; and covered terraces, patios, breezeways, or porches open on two sides are not included but cannot exceed 15% of the total footprint.

Each lot must provide 35% pervious area and 50% of front yards and 40% of rear yards must be landscaped, and 40% of the landscaped area must be Florida Friendly as defined in the current Zoning Code.

**MuniCode: 90-50.1 (7)** – allows for a garage conversion and the garage door maybe replaced with a solid exterior wall with at least one window and with access internally from the main premises. Landscaping shall be provided along the base of the new exterior wall.

**Applicant Package:** A package of the survey, floor plan and elevation plans were submitted by the Applicant on 1/6/2022

**Staff Recommendation:** The proposed improvements appear to be generally consistent with the Town's Land Development Regulations. Recommend approval subject to the following conditions:

- Proposed garage conversion is missing landscaping at the base of the new wall, provide details per requirements.

Note, this report may be updated prior to the meeting.

Jorge Martinez, representing the applicant provided an overview of the project.

Building Official McGuinness provided recommendations.

Vice Chair Landsman asked what they meant by putting it back.

Town Planner Keller stated that it was an agreement and provided a history of the application.

Vice Chair Landsman asked what the applicant will do now, if they will tear it down and redo it to code.

Town Planner Keller stated that it will be up to the Building Official to resolve it to their liking.

Vice Chair Landsman has a problem with retroactive projects.

Board Member MacKenzie asked regarding the front façade and if the picket fence was always there or was it put without permits.

Mr. Martinez stated that he does not know if the picket fence was already there.

Board Member MacKenzie asked if the Board members like the fence and if they do, they could make it part of the approval. He does not think it goes with the house and believes it is a brand-new element of the façade.

Chair Frankel stated that since the homeowner is not here, we do not know how they feel on the picket railing.

Town Planner Keller stated that he does not have an issue if part of the approval is removing the picket.

Chair Frankel asked if there are stairs going on the front.

Town Planner Keller stated that it is a front porch.

A motion was made by Board Member MacKenzie to approve the application with staff recommendations and the removal of the picket guard, seconded by Vice Chair Landsman. The motion carried with a 5-0 vote.

A motion was made by Vice Chair Landsman to extend the meeting 15 minutes to 11:00 p.m., seconded by Board Member MacKenzie. The motion carried with a 5-0 vote.

#### **H. 9281 Byron Avenue – Remodeling & Addition**

**Background:** This application is a request to demolish the existing roof to build an addition in the rear and side of the first floor and add a second floor to the existing

single-family home. The additions will increase the living space by a total of 1,489 square feet. Additional improvements include a new pool with deck and patio in the rear, a fence with gates, relocation of mechanical equipment and architectural modifications. The parcel is located in the H30B Zoning District at 9281 Byron Avenue. The lot depth is 112.5 feet with a width of 50 feet. The site plan indicates the lot size is 5,625 square feet (SF).

The setback requirements for the H30B Zoning District are 20-foot front, 5-foot side, and 20-foot rear. The proposed alterations and additions will maintain the existing setbacks. Total lot pervious area is proposed at 2,012 SF or 35.7% where 35% is required. The front yard pervious area was not provided. The rear yard pervious area is proposed at 44%, where 40% is required. The proposed building lot coverage is 39.7% where 40% is the allowed maximum.

Architectural materials and details, roof height, fence details and patio/deck materials were not provided at this time. Table 1 on page 3 provides information on site characteristics and zoning requirements.

**Applicant Package:** A package of drawings and the application was submitted by the Applicant with a recent survey dated 10/28/2021.

**Staff Recommendation:** It is recommended the Application be approved conditionally subject to the following comments:

- Per the **Zoning in Progress**, *Lot coverage* shall mean the percentage of the total area of a lot that, when viewed from above, would be covered by all principal and accessory buildings and structures (except swimming pools, fences, screen enclosures, and pergolas), or portions thereof, up to a maximum forty percent (40%) of the lot; provided however that the following shall not be included in determining the lot coverage:

1. Uncovered steps and exterior balconies;
2. Uncovered terraces, patios, breezeways, or porches which are open on two (2) sides; and
3. Covered terraces, patios, breezeways, or porches which are open on two (2) sides.

In no instance may the exemptions listed here exceed 15% of the total footprint of all principal and accessory buildings and structures. Please provide calculations and/or worksheets for the lot coverage.

- Per the **Zoning in Progress**, the H30B district, second story lot coverage is limited to 32% of the lot area, or 80% of the first-floor area, whichever is less. Provide calculations and/or worksheets verifying the second story addition meets code.

- Per the **Zoning in Progress**, only the following projections/encroachments shall be permitted:
  - In the H30A and H30B districts, and in H30C districts west of Harding Avenue, eaves of sloped roofs may project up to twenty-four (24) inches into any required yard. All other ornamental or screening features in the H30A and H30B districts, including cornices, sills, frames, and fins, may project no more than six (6) inches into any required yard.

Provide dimensions of the roof eaves and/or projection.

- Per **Design Guidelines for Single family residential properties, multifamily, and commercial properties**, the overall style of each house should be consistent on all sides of the building, as well as among all portions of the roof. Particular care should be taken that building elevations and roof elements visible from streets and other public or adjacent spaces are stylistically consistent. Consistency should be determined by evaluating each of the building's elevations' components. Roof materials should be appropriate to the style of the house and, except for flat roofs or flat roof portions, should be the same product for the entire roof system.

- Per **Sec. 90-19.5**, the town has adopted design guidelines intended to provide direction and suggestions for all development. The purpose of the planning and zoning board when conducting design review is to interpret those guidelines and provide guidance to the applicants as to how the design should be revised to more closely approximate or reflect the town's adopted guidelines. The applicant shall then incorporate those suggestions prior to proceeding to building permit.

- **Sec. 90-45**, the development of new single-family structures and additions to existing single-family structures shall abide by height and massing regulations. Massing regulations are based on the height of the structure and are delineated between:

- A. Single and multi-story structures;
- B. New structures or additions to existing structures; and
- C. The ratio of area of the first story to the area of the upper stories.

The area of the upper stories (wall plane greater than 15 feet in height) for new structures and additions to existing single-story structures shall not exceed 80 percent of the area of the first story, **Sec. 90-45 (a)(1)**. Please refer to the setback tables and provide information on the architectural features being changed or added.

- Per **Sec. 90-47.3** air conditioning equipment, pool pump or other mechanical equipment shall maintain at least a five-foot setback from the rear and side yards and is not visible from any street or waterway. Shrubs shall be incorporated in a manner on the site so as to be a visual screen for mechanical equipment or other

accessories to the residence, **Sec. 90-95(3)**. Provide setbacks for the proposed mechanical equipment.

- Per **Sec. 90-54**, all accessory buildings and structures, swimming pools, and accompanying fences shall meet all applicable requirements of the Florida Building Code. Accessory swimming pools and decks may occupy a rear and side setback subject to the minimum 5-foot rear and side setback. The proposed deck and patio encroach the 5-foot required side setback, revise plans to show the deck will be outside the required 5-foot setback.
- Per **Sec. 90-56**, the maximum fence height is 6 feet. Provide fence/gate details and dimensions. The finished side must face outward and away from the property.
- Per **Sec. 90-95**, single-family homes must provide a minimum five (5) trees on site made of a minimum four (4) different species. Trees must meet the planting requirements of the code and be a mix of at least 30% shade trees, 30% small to intermediate trees and no more than 40% palm trees. Palm trees are counted on a 3:1 ratio and must have at least 6-foot of clear or grey wood to be counted towards the requirement.
- Per **Sec. 90-97**, any trees removed require a tree removal permit.

Note, this report may be updated prior to the meeting.

Building Official McGuinness provided his recommendations.

Lehy Karp, representing applicant provided an overview of the project.

Chair Frankel asked if they have to raise it to 10 feet.

Building Official McGuinness stated that yes, it has to be raised to 10 feet.

Chair Frankel stated that her concern is that the project would be undoable due to having to raise the home.

Architect for the applicant is aware that the home needs to be raised.

Board Member Bravo stated that it might make more sense to demolish and build a new home.

Board Member Baumel asked if they obtained a soil report.

Chair Frankel stated that from experience, this will be a great expense to raise the existing structure 1½ feet, it might make more sense financially to start from scratch.

Mr. Karp, stated that he understands and if the owner wants to maintain the front of the house and understands that they might have an issue later on and they understand.

Board Member Baumel does not know how they can make a decision without a soil report.

Town Planner Keller stated that is the responsibility of the applicant, they are here for the remodeling and addition.

Chair Frankel asked if they are maintaining the existing façade, the second floor in the back does not match the front and if they keep the front façade the second floor needs to match including the windows.

Mr. Karp agrees to keep the windows and façade the same as the front.

Board Member Bravo stated that as per the site plans, they are changing the façade.

Architect for the project addressed the comments made by the Board.

Board Member MacKenzie stated that the guidelines ask them to look at the context and the context is being completely destroyed.

Chair Frankel stated that they need to still consider it as a new design, she still believes the view from the front needs to be consistent. She stated that they need to treat this as a new home. She stated that they need to see what the front façade is going to look like.

Mr. Karp stated that they are aware that they might have to restart from scratch.

Chair Frankel feels they need to defer it because they do not have enough information since they feel this should be considered a new home.

After a lengthy discussion regarding the application and the concerns by the Board, and if the preference is denial or deferral, the following motion was made.

A motion was made by Board Member Bravo to defer the item to March 31, 2022 meeting, seconded by Vice Chair Landsman. The motion carried with a 5-0 vote.

#### **I. 9463 Harding Avenue – Sign**

**Background:** This application is a request to install one (1) permanent wall sign at 9463 Harding Avenue. The property is located within the SD-B40 zoning district.

The proposed wall sign is an illuminated channel letter with back return and trim, total sign area is proposed at 22.95 SF where 25 SF is the maximum allowable sign area.

**Governing Codes:**

**Current Municode:**

**Sec 90-73.a(3)(b)(1-3)**– 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 22.95 SF sign is allowed. This store has 12 feet 6 inches of frontage. The maximum size of any one sign is 45 SF. The Code has further restrictions including requiring a 1/4 inch to 2-inch offset from the wall to allow rainwater to drain and limits illumination to white LEDs. All signage to be lit with white illumination from dusk to dawn.

**Applicant Package:** A building sign permit was submitted by the Applicant.

**Staff Recommendation:** Approval of the proposed sign as per the attached plans. The Planning and Zoning Board needs to give design approval for the wall sign.

Note, this report may be updated prior to the meeting.

Board Member Baumel left the meeting at 11:09 p.m.

Steven Zeller, representing the applicant is available for questions.

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

**J. 9491 Harding Avenue – Sign**

**Background** The application is a request to install one (1) permanent wall sign at 9491 Harding Avenue. The property is located within the SD-B40 zoning district. The proposed wall sign is an illuminated halolit channel letter. The total sign area is proposed at 26.7 SF where 25 SF is the maximum allowable sign area.

**Governing Codes:**

**Current Municode:**

**Sec 90-73.a(3)(b)(1-3)**– 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 This store has 26.01 feet of frontage according to the provided survey. The maximum size of any one sign is 45 SF. The Code has further restrictions including requiring a 1/4 inch to 2-inch offset from the wall to allow rainwater to drain and limits illumination to white LEDs. All signage to be lit with white illumination from dusk to dawn.

**Applicant Package:** A building permit for the sign was submitted by the Applicant. Sign details are attached.

**Staff Recommendation:** Approval of the application.

The Planning and Zoning Board needs to give design approval for wall signs.

Note, this report may be updated prior to the meeting.

Board Member MacKenzie asked if they are off the wall and requested it to be in his comments.

Fela Morales, applicant stated it is separated from the wall.

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

#### **K. 9441 Harding Avenue – Sign**

**Background:** This application is a request to install one (1) permanent wall sign at 9441 Harding Avenue. The property is located within the SD-B40 zoning district. The proposed wall sign does not provide mounting details or the type of sign being proposed at this time, but is proposing a sign area of 17.17 SF, where 25 SF is the maximum allowable wall sign permitted.

#### **Governing Codes:**

##### **Current Municode:**

**Sec 90-73. a(3)(b)(1-3)**– 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 17.17 SF sign is allowed. This store has 24 feet of frontage. The Code has further restrictions including requiring a 1/4 inch to 2-inch offset from the wall to allow rainwater to drain and limits illumination to white LEDs. All signage to be lit with white illumination from dusk to dawn.

**Applicant Package:** A building sign permit was submitted by the Applicant. A copy of the Applicant's site plan is attached.

**Staff Recommendation:** Approval subject to the sign packet stating the type of sign, illumination details, and offset details for the proposed sign. Type, illumination and offset must meet the requirements set forth in the code of ordinances. The Planning and Zoning Board needs to give design approval for the wall sign.

Note, this report may be updated prior to the meeting.

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

**5. Ordinance - Marine Structure Ordinance addressing docks – Town Attorney**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-57. - "MARINE STRUCTURES", TO PROVIDE FOR REGULATIONS FOR CONSTRUCTION OF DOCKS, PIERS AND MOORINGS ON WATERFRONT LOTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Deputy Town Clerk Herbello read the title of the ordinance into the record.

Town Attorney Recio introduced the item and explained after the Board's recommendation it would go before the Commission at their next Town Commission meeting. He stated that this rewrites the marine structure ordinance and explained what the ordinance entails. He went over the lots identified on Point Lake and provided a slide of the lot map.

Board Member MacKenzie asked what happens to lots 7, 8 and 9.

Town Attorney Recio stated that there is no boat traffic that affects those lots. He stated the limitation for those lots on the waterway. He stated it is to keep vessels able to get to lots 8 and 9.

Board Member MacBride asked what is under the bridge.

Town Attorney Recio stated that water is able to get through but no boats.

Board Member MacBride asked if there is something that would prevent a kayak to go through there.

Town Attorney Recio stated that he is unable to answer that question. He stated that they have been advised that there is no vessel traffic.

Town Attorney Recio continued explaining the different types of lots and what they are permitted to have. He explained the setback requirements. He also went over the notice requirements and they must provide it in order to obtain a permit.

Board Member Bravo asked within how many days does the neighbors have to be noticed.

Town Attorney Recio stated 15 days.

Board Member MacBride asked if the Town has anything in the code as it relates to the size of the vessel. She asked regarding the parking of a vessel.

Town Attorney Recio addressed the comments made by Board Member MacBride.

Board Member Baumel stated that the County will require you to fill out an application.

The following individuals from the public spoke:

Anthony Blake asked what is the maximum dock projection the Town allows.

Jeff Rose stated that there are utilities underneath 88<sup>th</sup> street and it is totally closed off. He stated that on 88<sup>th</sup> Street it is very shallow and is a wider bay there and he has seen docks project out more than 10 feet because how shallow the water is.

Town Attorney Recio addressed the comment made by Mr. Blade.

Chair Frankel asked if there is a separate language for the dock.

Town Attorney Recio stated that it is limited to 10% of the width of that waterway.

Board Member Baumel stated that this conversation has been going on for months.

Building Official McGuinness spoke regarding the navigability of the waterway.

Chair Frankel spoke regarding the navigability on the waterway.

Vice Chair Landsman stated that the primary reason of this ordinance is the navigability of north canal for those that are on Point Lake.

Building Official McGuinness stated that this ordinance has been worked on and is an improvement.

Chair Frankel stated that if the channel is wide enough there will be no issue navigating the Indian Creek waterway.

Board Member MacKenzie stated that according to Dade County all plans have to go through Dade County and DERM and the rule is if your property is 100 feet and there is a 45-degree angle on both sides of your seawall, it will limit how far out your property goes out. He stated that they send out individuals to survey the ground underneath. He explained the requirements from DERM. He asked Town Attorney Recio if the Town takes a risk of allowing the 10% of the width of the waterway, without additional factual information. He believes the Town is taking a risk. He asked if they can carve out Bay Drive and not include the properties on 88<sup>th</sup> Street and Bay Drive, which are the waterways that are not having this problem. He commented that things should be simple.

Town Attorney Recio addressed the question by Board Member MacKenzie and explained the ramifications and currently there are conflicting language in the code and read the section. He stated that the reason they addressed everything is to resolve the ambiguity.

A motion was made by Vice Chair Landsman to recommend approval of this Ordinance as written to the Town Commission for approval on second reading at their February 8, 2022 Town Commission Meeting, seconded by Board Member Bravo. The motion carried with a 4-1 vote with Board Member MacBride voting in opposition.

- 6. Draft Proposed Zoning Code**
- 7. Next Meeting Date: February 24, 2022**

Consensus was reached to hold the next meeting on February 24, 2022.

8. Discussion Items:

- A. Pools
- B. Future Agenda Items

9. Adjournment.

A motion was made Vice Chair Landsman to adjourn the meeting without objection at 11:15 p.m. The motion received a second from Board Member Bravo. The motion carried with a 5-0 vote.

Respectfully submitted,

Accepted this 24 day of February, 2022.

  
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Judith Frankel, Chair

Attest:

  
\_\_\_\_\_  
Sandra McCreedy, MMC  
Town Clerk