



Town of Surfside
Joint Town Commission and Planning and Zoning Board Meeting
MINUTES
February 23, 2022
6 p.m.
Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

1. Opening

A. Call to Order

Mayor Burkett called the meeting to order at 6:04 p.m.

B. Roll Call of Members

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

Present: Mayor Charles Burkett, Vice Mayor Tina Paul, Commissioner Nelly Velasquez, Commissioner Charles Kesl and Commissioner Eliana Salzhauer (arrived at 6:07 p.m.)

Deputy Town Clerk Herbello called the roll of the Planning and Zoning Board members with the following members present:

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

Absent: Planning and Zoning Board Member Ruben Bravo.

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

Town Manager Hyatt thanked all the members of the Planning and Zoning Board for their service and provided them with a certificate of appreciation.

2. Draft Zoning Code

A. Current Draft

Town Attorney Arango explained the process of tonight's meeting and the need to address the zoning in progress which is on the agenda.

Mayor Burkett explained to the Planning and Zoning Board what the Commission has done with the zoning code draft and the things that have gone in the draft.

Commissioner Kesl spoke regarding his opinion on the zoning code rewrite draft and the options given.

Commissioner Salzhauer stated that she heard a lot from the residents and believed this was a workshop and not a meeting. She stated that it would be helpful to go line by line and the code should be something that individuals can understand. She spoke regarding the opinion they received from the Planning and Zoning Board.

Chair Frankel stated that it is better to focus on the current document they have in front of them. She spoke regarding her process of her review of the draft. She stated that she would like to go through key issues and not have to go line by line. She stated this is an opportunity for her Board to have their opinions heard.

Mayor Burkett spoke regarding the issues that the Commission has come up with.

Chair Frankel stated that the Planning and Zoning Board has different issues they would like to address.

Vice Mayor Paul stated that she has been wanting to have this joint meeting for over a year ago and would like to hear from the Planning and Zoning Board first.

Town Attorney Recio stated that there were recommendations that were made by the Planning and Zoning Board.

Vice Chair Landsman spoke regarding the zoning in progress.

Town Attorney Arango stated that the Commission could call a special meeting prior to March 15 and still have a second reading ordinance prior to March 15.

Vice Chair Landsman stated that the logical point is to extend the zoning in progress.

Mayor Burkett stated that it is up to the Commission if they want the zoning in progress to die and they might have other things to add to the ZIP. He stated that this Commission should not have any other questions since they have discussed this in depth.

Town Attorney Recio explained the draft of the zoning code included in their packet and the different changes to the sections.

Mayor Burkett stated that they can give everyone an overview of what is in there and confirm what they are being told is in there.

Town Attorney Recio went through the changes the Commission has made to the code.

Commissioner Salzhauer asked if the changes that were made at the last meeting have been incorporated in this draft.

Town Attorney Recio stated that they have been incorporated and went over them.

Mayor Burkett commented on the changes made.

Town Attorney Recio further explained the changes as it pertains to lot coverage and applies to single family homes across the board.

Commissioner Salzhauer commented on the existing percentage allowed.

Commissioner Velasquez asked regarding the size of the house.

Board Member MacKenzie spoke regarding percentage of the size of the home and one should be focused on the volume of these elements. He provided examples.

Mayor Burkett spoke regarding lot coverage and additional items that could be added and asked the Planning and Zoning Board for their recommendations.

Chair Frankel also provided examples as it pertains to lot coverage.

Mayor Burkett discussed what Town Attorney Recio stated.

Town Attorney Recio stated that Chair Frankel is correct.

Chair Frankel also discussed the height of the uncovered area.

Commissioner Salzhauer stated that she was looking forward to this meeting.

Vice Mayor Paul also discussed the percentage of the lot a home should take up.

Vice Chair Landsman stated that Board Member MacKenzie incorporated two different ideas and options and spoke regarding those ideas. He spoke regarding lot coverage.

Mayor Burkett spoke regarding lot coverage.

Board Member Baumel stated that their Board have different options on lot coverage and spoke regarding a home that can be preserved and those should go up to 50%.

Commissioner Salzhauer spoke regarding lot coverage and second story homes.

Vice Chair Landsman stated that he thought they were here to have a conversation and not voting and not having input from the Board.

Chair Frankel addressed comments made by Commissioner Salzhauer.

Town Attorney Recio stated that Chair Frankel is correct and explained how the applicant has to get to 40%.

Chair Frankel explained how they need to get 50% permeability and also meet all other requirements.

Town Planner Keller explained how the lot coverage requirements work and that the way it is written is not much different from what is currently in the ZIP.

The following individuals from the public spoke:

George Kousoulas

Jeff Rose

After a lengthy discussion regarding the lot coverage and all the comments made by staff, Planning and Zoning Board and Commission, the following motion was made.

A motion was made by Commissioner Salzhauer to bring the 40% lot coverage for all the homes plus 6% for the goodies, seconded by Commissioner Velasquez. The motion carried with a 3-2 with Mayor Burkett and Vice Mayor Paul voting in opposition.

A motion was made by Commissioner Kesl to bring the new construction and existing single-family one-story homes to 50% lot coverage all in to run with the life of the structure, seconded by Vice Mayor Paul. Commissioner Kesl withdrew his motion.

Building Official McGuinness stated that they should have it run with the life of the structure.

Board Member MacKenzie reiterated to the Commission what the motion entails.

Board Member Baumel spoke regarding under story.

Building Official McGuinness discussed the under story.

Mayor Burkett stated that the extent of the changes requesting to be made will extend to March of this year.

Commissioner Salzhauer stated that the danger is that the 50% is going into the new construction.

Discussion took place regarding the pending motion on the lot coverage percentage.

The following individuals from the public spoke:

George Kousoulas

Andrea Travani

Arian Campos Flores

Jeff Rose

Shannon Gallagher

Town Attorney Recio advised the Planning and Zoning Board regarding the comments made by Mr. Flores and that they sit in a Quasi-Judicial capacity and they cannot discuss any items being brought before them at tomorrow's Planning and Zoning Board meeting.

Chair Frankel addressed the comments made by Mr. Flores.

Commissioner Salzhauer spoke regarding gates and fences on corner lots.

Town Attorney Recio explained the section of the code.

Chair Frankel explained the concern the Planning and Zoning Board has with gates and fences. She also spoke regarding the need to have the design guidelines reviewed and amended.

The following individual from the public spoke:
Jeff Rose

After a lengthy discussion among the Town Commission and Planning and Zoning Board regarding gates, fences and interior lots the following motion was made.

A motion was made by Commissioner Salzhauer to prohibit fences, gates and walls on all front yards, except on the functional side yard of corner lots (i.e., not the side with the front door), seconded by Commissioner Kesl. The motion carried with a 3-2 vote with Mayor Burkett and Commissioner Velasquez voting in opposition.

Commissioner Salzhauer spoke regarding rooftop decks.

Chair Frankel spoke regarding rooftop decks and it is clear how it is written.

Town Attorney Recio clarified the code as it pertains to rooftop decks.

Further discussion took place among the Commission and Planning and Zoning Board regarding rooftop decks.

Vice Mayor Paul asked if this is also the recommendation of the Planning and Zoning Board.

Board Member Baumel stated that they are not in agreement with that.

A motion was made by Commissioner Salzhauer to prohibit rooftop decks in H30A and H30B, seconded by Commissioner Kesl. Commissioner Kesl withdrew his second.

Chair Frankel spoke regarding the composition of the Planning and Zoning Board and believes that they need specific experience of the member. Her recommendation is to remove the category "interior decorator" and "attorney". She stated that having three people with specific qualifications is important.

Board Member MacKenzie stated that as Commissioners they need to see what they want to see as the composition of the Board and what the Planning and Zoning Board does.

Discussion took place among the Commission and the Planning and Zoning Board as to the requirements for the Planning and Zoning Board members.

The following individuals from the public spoke:
George Kousoulas

A motion was made by Commissioner Salzhauer that the members of the Planning and Zoning Board shall require at least 1 member be a Florida licensed architect, everyone on the board must be a resident, the other two can be from the list and to remove landscape architect and changing attorney to land use attorney, seconded by Commissioner Kesl. The motion carried with a 5-0 vote.

Town Attorney Recio clarified that what they are stating is having the five primary members of the board will include (1 general contractor, 1 licensed engineer (PE), a certified planner, an interior designer, a Florida licensed architect, and land use attorney).

Board Member MacKenzie spoke regarding the background of the members needed that would help the board.

Chair Frankel stated it is important to have at least one architect on the board.

Board Member MacKenzie stated that it would be good to have an architect that does not live in Surfside.

Chair Frankel stated the other slots could be a planner, architect or general contractor and to remove interior designer off the list because they are not to be involved in designing.

Chair Frankel spoke regarding the materials received from the applicants and the more information they have the better it is.

Board Member MacKenzie spoke regarding the list on page 43, number 8. B-I and i, ii, iii they would like a diagram to confirm the regulations are being met.

Commissioner Velasquez asked if it is on any project.

Board Member MacKenzie stated it is on every project.

Board Member MacKenzie spoke regarding the setbacks and having the diagrams depicting the setbacks. He stated they would like to add (L) that all plans be signed and sealed by a Florida licensed architect.

The following individuals from the public spoke:

George Kousoulas
Jeff Rose
Shannon Gallagher

After a lengthy discussion the following motion was made.

A motion was to extend the meeting to 10:30 p.m.

A motion was made by Commissioner Salzhauer to amend Section 90-62, subsection 8 to be as follows: 8(a) will require that the survey be done within a year of submission, 8(i)(iii) to require a diagram of setbacks for first and second floor and item 8(L) that all plans be signed and sealed by a Florida licensed architect (if they are architectural plans) or engineer (for engineering plans) and landscape architect (for landscape plans), seconded by Commissioner Kesl. The motion carried with a 5-0 vote.

Board Member MacKenzie spoke regarding encroachments into the setback.

Chair Frankel spoke regarding the text amendment and 24-inch provision.

Commissioner Salzhauer spoke regarding the text amendment, wedding cake design and setbacks.

Board Member MacKenzie recommends eliminating the 24-inch encroachment and stay within the setback.

A motion was made by Commissioner Salzhauer to eliminate the 24-inch encroachment beyond the setback, seconded by Commissioner Kesl. The motion carried with a 4-1 vote with Mayor Burkett voting in opposition.

Chair Frankel disagrees with eliminating all decorative elements and they are minimal and nonstructural and enhances the project.

The following individuals from the public spoke:

George Kousoulas
Jeff Rose

A motion was made by Vice Chair Landsman to extend the meeting until 10:45 p.m., seconded by Board Member MacKenzie. The motion carried with a 5-0 vote.

A motion was made by Commissioner Salzhauer to extend the meeting until 10:45 p.m., seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

Town Attorney Recio explained the ornamental features and balcony encroachment on page 90.

The following individuals from the public spoke:

Jeff Rose
Shannon Gallagher

George Kousoulas

Vice Mayor Paul asked what the issue with this section is.

Board Member MacKenzie spoke regarding the setback and complying with them.

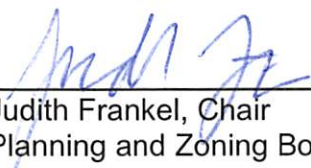
Discussion among the Commission and Planning and Zoning Board took place regarding the 24-inch encroachment.

B. Comparison of Current Draft with March 2021 Draft

3. Zoning In Progress
4. Public Comment
5. Question & Answer (based on public comment)
6. Adjournment

A motion was made by Commissioner Kesl to adjourn the meeting without objection at 10:49 p.m. The motion carried with a 5-0 vote.

Accepted this 31 day of March, 2022.



Judith Frankel, Chair
Planning and Zoning Board

Attest:



Sandra N. McCready, MMC
Town Clerk