



Town of Surfside
Special Town Commission - Quasi-Judicial Hearing
MINUTES
April 12, 2022
6:00 PM
Commission Chambers - 9293 Harding Avenue
Surfside, FL 33154

1. Opening

1.A Call to Order -

Mayor Danzinger called the meeting to order at 6:08

p.m. 1.B Roll Call of Members -

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

Present: Mayor Charles Burkett, Vice Mayor Tina Paul, Commissioner Nelly Velasquez, Commissioner Kesl and Commissioner Eliana Salzhauer (arrived at 7:06 p.m.).

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

2. Mayor, Commission and Staff Communications

**2.A 9165 Collins Avenue – Hillcrest by the Sea – 9165 Surfside LLC Site
Plan Approval - Andrew Hyatt, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, [APPROVING/DENYING] AN APPEAL OF THE APPLICATION OF ZONING IN PROGRESS TO ROOFTOP AMENITIES; [APPROVING/DENYING] A SITE PLAN APPLICATION TO PERMIT THE DEVELOPMENT OF PROPERTY LOCATED AT 9165 COLLINS AVENUE, SURFSIDE, FLORIDA, FOR A MULTIFAMILY RESIDENTIAL DEVELOPMENT CONSISTING OF 14 DWELLING UNITS AND 32 PARKING SPACES SUBJECT TO CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff evaluated the development proposal relative to the requirements of Section 90-20(2)(a) of the Zoning Code and found the proposal conforms to the Comprehensive Plan and the Zoning Code. The project has minimal impacts on the environment and natural resources. Impacts to public facilities and transportation will be reduced with improved access to Collins Avenue and on-site service deliveries. Redevelopment of the parcel will have a favorable impact on the economy of the Town and the building design is consistent with the community character of the beach side neighborhood.

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

Town Clerk McCready confirmed notice requirements.

Town Attorney Recio polled the Commission Members.

Mayor Danzinger had a conversation with Bill Thompson not directly on this item but it did come up in passing.

Commissioner Landsman had communication with Bill Thomspson, Fort Partners.

Commissioner Meischeid had communication with Bill Thompson, Fort Partners.

Vice Mayor Rose had communication with Bill Thomspson, Fort Partners.

Commissioner Velasquez had communication with Bill Thompson, Fort Partners.

Mayor Danzinger went over the process of decorum and Robert's Rules of Order.

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

Town Clerk McCready swore in staff that will be testifying in these proceedings.

Town Planner Keller gave his staff recommendations as it pertains to this project.

Deputy Town Clerk Herbello swore in all applicants.

Ian DeMello, attorney for the applicant spoke regarding the project and introduced staff and experts that are present.

James Galvin, Fort Partners, provided a summary of the project and Hillcrest Facts and revenue projections including economic benefits, Town benefits and development plan.

Commissioner Velasquez asked regarding the landscaping of the hard pack and will it hide the construction.

Mr. Galvin stated that it is and will be a buffer for the construction.

Mr. DeMello stated that they would like to reserve some time for rebuttal and they have their experts here to answer any questions.

Curt Denwolf, architect for Fort Partners spoke regarding the architecture of the project.

Mr. DeMello stated this concludes their presentation.

Mayor Danzinger stated that all comments be addressed through the Chair and stated the decorum statement which will be enforced.

The following individuals from the public spoke:

Lars Skaarup spoke against the project and the balconies. He stated that Vice Mayor Rose should recuse himself due to his connection with his family at Champlain Towers South.

Horace Henderson spoke against the project and capping of the building height at 120 feet.

Victor May spoke in favor of the project and to consider the contributions of the development to beautify the beach and possibly plant palm trees on the beach which will help with erosion.

Jeffrey Platt spoke regarding the presentation and the mention of beach access. He stated that this development will want lounge chairs and amenities and will have a big impact on the beach.

Eliana Salzhauer spoke regarding the safety and the impact it could have on other buildings.

Jennifer Rotker requested for the project be put on hold until they find out what happened at Champlain Towers South.

Mary Spillane spoke against the project and believes building so close to a property line is not correct.

Shannon Gallagher spoke against the project and sunshine rules have been violated and decisions being made and does not see anything in response that were raised in prior meetings on Town Planner Keller's recommendations.

Taras Titanenko spoke against the project and approving this would be reckless.

A motion was made by Vice Mayor Rose to extend the meeting an additional 30 minutes (until 7:30 p.m.), seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

Deborah Duvdevani spoke against the project and the pervious area required by code.

Gilbert Garcia spoke in favor of the project and the letter he sent to the Commission. Carolyn Baumel spoke in favor of the project and is not in favor of

removing the balcony architectural detail and the team of Fort Partners has put together something very beautiful.

Sebastian Garcia spoke in favor of the project and spoke regarding the safety and the work Fort Partners has done. He also spoke regarding the survey Fort Partners is offering the Carlyle free of charge.

Judith Frankel spoke as the Chair of the Planning and Zoning Board and stated that the design is beautiful and will fit in. The landscaping architecture goes beyond what is required. She stated that the project presented is smaller than what they are allowed to build.

George Kousoulas spoke in favor of the project and there should not be any question on the height and the comprehensive plan predicted this building for 30 years.

Mayor Danzinger closed public comments.

Commissioner Meischeid asked Town Attorney Recio regarding comments were made that he was incorrect and what sections of the code pertain to this project.

Town Attorney Recio addressed the comments made and provided the section of the code that relates to and read those sections into the record.

Commissioner Meischeid asked Town Attorney Recio if we are in the zoning in progress.

Town Attorney Recio stated that they are in the zoning in progress and there is an appeal as it pertains to the roof top amenities and requested that they do not apply the zoning in progress to the rooftop.

Commissioner Meischeid asked if this project is within the Municode section and which section it would be.

Town Attorney Recio stated the section of Municode where it would fall under.

Commissioner Meischeid stated that based on what he stated that it should be approved.

Commissioner Velasquez asked Town Attorney Recio to repeat item 6 criteria.

Town Attorney Recio read item 6 of the criteria into the record.

Commissioner Velasquez stated that they would have some say if there would be problems with the setbacks. She asked that based on the fact that Planning and Zoning reviewed this, does it conform to the code.

Town Attorney Recio stated that Planning and Zoning Board approved it with the exception of the extension of the balcony and the Town Commission is the arbitrator and does not provide any cut through the beach.

Commissioner Landsman stated as noted he was on the Planning and Zoning Board and this application did come before them. He stated that at the Planning and Zoning Board many things were considered. He asked if the Town Planner and Building Official still are comfortable with what is being presented. He asked for clarification if the project meets code.

Town Planner Keller stated that this application meets all the code requirements and stated that the setbacks are not an issue and it is for the Commission to determine if the architectural feature is something they want to address. He stated that his staff report states that it meets code.

Commissioner Landsman asked the Town Attorneys regarding the last ordinance drafted regarding the 24 inch decorative feature and are they bound by it for this discussion since it has not passed on second reading yet.

Town Attorney Recio stated it is not law yet since it has not been adopted as of yet, and it meets code.

A motion was made by Vice Mayor Rose to extend the meeting 15 minutes (until 7:40 p.m.), seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

Vice Mayor Rose asked if they went with the wedding cake design, would it have been a larger building.

Town Planner Keller stated that it would have been larger on the bottom and closer to the Carlyle.

Vice Mayor Rose spoke regarding the design complying with the NGVD and the Carlyle is roughly the same size as this project.

Town Attorney Recio stated that they do comply and the Carlyle is roughly the same size. He gave a history of the submittal of this application and the zoning in progress that was in place at that time.

Vice Mayor Rose asked if the balcony features in the project are similar to the Arte balcony features.

Town Attorney Recio stated yes.

Vice Mayor Rose stated that other buildings have those similar balcony features and have been allowed to have them in place. He spoke regarding the safety implementation Fort Partners have put in place and used.

Mayor Danzinger spoke regarding the safety plan.

Terry Berrett, Senior President, engineering firm representing Fort Partners spoke regarding the safety procedures and vibrations put in place.

Mayor Danzinger asked what the post construction time frame would be.

Mr. Berrett stated that it should be done at the end.

Mr. Galvin stated that the ordinance passed on safety stated when the post construction survey must be done.

Commissioner Landsman asked regarding the seismic monitoring and would require permission from neighboring buildings and if there are recourses.

Mr. Galvin addressed the comments made by Commissioner Landsman.

Vice Mayor Rose asked if they need the association's approval or one member of the building.

Mr. Galvin stated that they need the association's approval.

Mayor Danzinger asked regarding the pilings.

Matthew Meyer, Landon Engineering, Geotechnical Engineer representing Fort Partners spoke regarding dewatering and vibration monitoring. He explained how they would be constructing.

A motion was made by Vice Mayor Rose to extend the meeting 15 minutes (until 8:00 p.m.), seconded by Commissioner Meischeid. The motion carried with a 5-0 vote.

Mayor Danzinger asked regarding the sheet pile.

Mr. Meyer addressed the comments made by Mayor Danzinger.

Mr. Galvin stated they are focused on safety and introduced Mr. Pesterino.

John Pesterino, representing Fort Partners, stated that he wrote the 40 year recertification in the 1970s and gave a history of his experience. He spoke regarding the safety and has no problems with this project.

Mr. DeMello closed out their presentation and believes they addressed everything in the code.

Mayor Danzinger stated that the project meets the code.

Vice Mayor Rose spoke regarding some conditions to be added and stated them for the record.

Bill Thompson, Fort Partners, spoke regarding the conditions met and will entertain the conditions.

Mr. DeMello spoke regarding a conditions being requested and the condition as it pertains to the noise and music from 7:00 p.m. to 11:00 a.m.

Mayor Danzinger stated he has seen music at Town at night and it should be consistent.

Town Attorney Recio asked if it is to be consistent with the Town Code.

Town Attorney Arango stated that the intent of the code is from 11:00 p.m. to 7:00 a.m. and it is consistent with the request.

Commissioner Landsman stated that the balcony extension is on the other side of the Carlyle.

Commissioner Velasquez thanked them for the work they have done.

Commissioner Meischeid thanked them for the project and it is a beautiful one.

A motion was made by Vice Mayor Rose to approve the item with the conditions stated including the appeal and with the rooftop, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

[Staff Report for TC_4-12-22.docx](#)

[Resolution Approving/Denying Site Plan - 9165 Collins](#)

[Avenue.pdf 9165 Collins Avenue Site Plan.pdf](#)

A motion was made by Vice Mayor Rose to extend the meeting by 30 minutes (until 7:30 p.m.), seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.


3. Adjournment

A motion was made by Vice Mayor Rose to adjourn the meeting without objection at 8:00 p.m., seconded by Commissioner Meischeid. The motion carried with a 5-0 vote.

Respectfully submitted,

Accepted this 10th day of May 2022.

Attest:



Sandra McCready, MPA, MMC
Town Clerk



Shlomo Danzinger, Mayor