



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

**November 29, 2018 – 6:00 p.m.**  
Town Hall Commission Chambers –  
9293 Harding Ave, 2<sup>nd</sup> Floor, Surfside, FL 33154

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

The Planning & Zoning Board meeting was called to order by Chair Lecour at 6:00 p.m.

Present were Chair Lindsay Lecour, Vice Chair Judith Frankel, Board Member Peter Glynn, Board Member Brian Roller, and Alternate Member Rochel Kramer.

Board Member Jorge Garcia arrived at 6:04 p.m. and Alternate Member Marina Gershanovich arrived at 6:45 p.m.

Also present were Vice Mayor Gielchinsky, Town Manager Guillermo Olmedillo, Town Planner Sarah Sinatra Gould, Town Attorney Kathy Mehaffey and Building Official Ross Prieto.

**2. Town Commission Liaison Report – Vice Mayor Gielchinsky**  
The Vice Mayor did not provide a report.

**3. Approval of Minutes – October 25, 2018**  
Vice Chair Frankel made a motion to approve the minutes as written. The motion was seconded by Board Member Glynn and all voted in favor.

**4. Applications:**

**A. 400 92<sup>nd</sup> Street** – The applicant is requesting to convert their garage to approximately 318 square feet of additional living space.

Town Planner Sinatra Gould introduced the item and stated that the applicant is requesting to convert their garage to add approximately 318 square feet of additional space. Staff stated that they have reviewed the application and they are providing the additional window as requested and they will add additional landscaping.

Staff recommends approval with the conditions of the applicant adding the landscaping along the base of the previous garage door are per Town Code requirements.

Board Member Roller made a motion to approve as recommended. The motion was seconded by Board Member Glynn and all voted in favor.

Board Member Jorge Garcia arrived at this time.

## 5. Quasi-Judicial Items:

*Please be advised that the following items on the Agenda are Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker's Card indicating the Agenda item number on which you would like to comment. You must be sworn in before addressing the Board and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Board will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any Board member. Board members must also do the same.*

### A. 9300 Collins Avenue Site Plan & Conditional Use

Chair Lecour read the process and rulings of a quasi-judicial hearing.

Deputy Clerk Riera confirmed that compliance with the advertising notice requirements had been met. Town Attorney Mehaffey asked the Planning and Zoning Board if anyone had ex-parte communications with the Applicant or any objector. Hearing none, Deputy Clerk Riera swore in anyone who wished to speak on the item.

Town Planner Sinatra Gould introduced the item and gave a presentation on the item. Recommendation is once the Planning & Zoning Board approves the application it will go before the Town Commission with the following recommendation from staff:

- All applicable conditions of approval included in Resolution 17-Z-2418
- The applicant's voluntary proffer to contribute \$272,000 to the Town to be paid prior to the issuance of the first building permit.
- The rooftop pools and deck hours shall be limited from dawn to dusk.
- The applicant shall enter into an agreement recorded in the public records at the expense of the owner, which shall run with the land and shall bind the heirs, successors and assigns of said owner and provide 24-hour valet service.

Neisen Kasdin of Akerman LLP, provided a presentation of the project.

Bennett Brooks of Brooks Acoustics Company spoke regarding the noise/sound concerns emanating from the property and they did an engineering analysis from the roof/deck and gave the presentation of their findings.

Discussion and questions ensued among the Board and Mr. Brooks regarding the decibel levels.

Sherry Gutierrez of Arquitectonica, provided a presentation of the project.

Discussion and questions ensued among the Board and Ms. Gutierrez regarding the landscaping on the project.

Alternate member Gershanovich arrived at 6:45 p.m.

Chair Lindsay Lecour opened the floor to public comments and the following spoke:

- George Kousoulas
- Victor May
- Alan Yarkin

- Tricia Fowley
- Sasha Plutno
- Ellen Abramson
- Steven Dunn
- Michael Dranoff
- Mitchell Feldman
- Ben Jacobson
- Mandy Davenport
- Yuri Fridman

Mr. Kasdin responded to some of the comments made by the public speakers.

Chair Lindsay Lecour closed the floor to public comments.

Discussion among Board Member Glynn and Mr. Kasdin ensued regarding what the hours of the music being played, the number of feet from the road to the loading dock and the size of the delivery trucks.

Discussion ensued among the Board and Town Planner Sinatra Gould regarding the noise conditions.

Building Official Ross Prieto answered the Board's questions regarding the noise ordinance and hours.

Board Member Glynn would like the music to stop at dusk.

Vice Chair Frankel also has a concern with sound and the open area.

Discussion continued among the Board members and Mr. Kasdan regarding the noise and the use of the garden, the banquet hall, landscaping, including the roof. and the square footage requirements for occupancy.

Town Manager Olmedillo addressed the Board regarding the occupancy requirements and density level.

Town Planner Sinatra Gould read the language in the Code under the Noise Ordinance.

After some discussion, Chair Lecour stated the following conditions as discussed by the Board:

- Limiting use of the pool from 7:00 am to 7:00 p.m.
- Limiting music at the pool and garden from 11:00 a.m. to 7:00 p.m.
- Prohibiting live music
- Minimum 10-foot landscape buffer within a year on the north and south side of the park parcel
- Sound policy to be equal to that of the Grand Beach and Marriott
- Signed agreement with the adjacent neighbors

- Staff to do an occupancy analysis comparable to other hotels in the 33154-zip code area.
- Landscaping and/or water feature in central circular courtyard

To answer Mr. Kasdin’s question regarding live music, the Board would be in favor of the use of unamplified music between the hours of 11:00 a.m. to 7:00 p.m.

Board Member Glynn made a motion to approve with the recommendation by staff and conditions. The motion was seconded by Vice Chair Frankel. The motion carried 5-0 on roll call vote.

**6. Local Planning Agency Items:**

**A. Corner Lot Fences**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-56.5 “MODIFICATION OF SECONDARY FRONTAGE FENCE AND ORNAMENTAL WALL REGULATIONS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADDRESS FENCE AND SHRUB REQUIREMENTS IN THE H30A AND H30B ZONING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Deputy Town Clerk Riera read the title of the ordinance.

Chair Lecour opened the floor to public participation and hearing none she closed the floor to public participation.

Board Member Glynn made a motion to approve. The motion was seconded by Board Member Roller. The motion carried 5-0 on roll call vote.

**B. Reasonable Accommodation Procedure**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA CREATING SECTION 90-100 “REASONABLE ACCOMMODATION PROCEDURES” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PROVIDE REASONABLE ACCOMMODATION PROCEDURES FOR DISABLED PERSONS UNDER THE FAIR HOUSING ACT AND AMERICANS WITH DISABILITIES ACT; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Deputy Town Clerk Riera read the title of the ordinance.

Town Attorney Mehaffey introduced the item.

Vice Chair Frankel made a motion to approve. The motion was seconded by Board Member Glynn. The motion carried 5-0 on roll call vote.

**7. Discussion Items:**

**A. Landscape & Drainage Requirement for Single Family – Verbal Update from Ross Prieto, Building Official**

Building Official Prieto provided an overview of the landscape and drainage requirements and some discussed ensued on the item.

**B. Widening of Sidewalks on Collins Avenue (A1A)**

Town Planner Sinatra Gould provided an overview of the project.

Chair Lecour opened the floor to public comments and the following spoke:

- Ellen Abramson

Chair Lecour closed the floor to public comments.

**C. Freeboard & Height Discussion**

Sarah Sinatra Gould, Town Planner gave an overview of this item.

This item was deferred to the next meeting on January 31, 2019.

**D. Future Agenda Items**

Town Manager Olmedillo explained what an impact fee is and how it works.

Chair Lecour requested staff to compile an analysis and verbal update on impact fees and occupancy fees for the January 2019 meeting.

Board Member Glynn asked Town Manager Olmedillo if he had an update on the walkability plan and Town Manager Olmedillo advised that he has a meeting next week with the University of Miami.

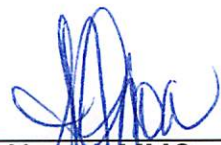
**8. Adjournment**

There being no further business to discuss before the Planning & Zoning Board, Vice Chair Frankel made a motion to adjourn at 9:18 p.m. Board Member Roller seconded the motion and all voted in favor.

Accepted this 31<sup>ST</sup> day of January, 2018 9

  
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Chair Lindsay Lecour

Attest:

  
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Sandra Novoa, MMC  
Town Clerk