



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

March 25, 2021 – 6:00 p.m.

1. Call to Order/Roll Call

Chair Frankel called the meeting to order at 6:05 p.m.

Present: Chair Judith Frankel, Vice Chair Oliver Sanchez, Board Member Fred Landsman, Board Member James MacKenzie, Alternate Board Member Horace Henderson and Board Member Bravo (arrived at 6:15 pm)

Absent: Vice Chair Oliver Sanchez.

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

2. Town Commission Liaison Report – Mayor Charles Burkett

Mayor Burkett gave his liaison report and spoke regarding the draft zoning code.

3. Approval of Minutes – February 25, 2021

A motion was made by Board Member Landsman to approve the February 25, 2021, Planning and Zoning Board Meeting Minutes, seconded by Board Member McKenzie. The motion carried with a 4-0 vote with Board Member Bravo absent.

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

Town Attorney Recio asked Deputy Town Clerk Herbello if the applicants met advertising requirements.

Deputy Town Clerk Herbello confirmed advertising requirements for all applicants with the exception 9424 Bay Drive (Item No. 4A).

Town Attorney Recio polled the Board Members.

The record reflected that no Board Members had any ex-parte communication with any of the applicants.

Board Member Landsman stated that an applicant for item 4A asked regarding the process of the Board.

4. Applications:

A. 9424 Bay Drive – New Two-Story Single-Family Residence

This applicant did not provide proof of certified mail and proper notice was provided therefore it will have to have deferred to the next meeting.

Background: This application is a request to construct a new 2-story single family residence. The parcel is located in the H30A Zoning District at 9424 Bay Drive. The average lot depth is 182 feet with a width of 50 feet. The Applicant indicates the lot size is 9,100 square feet (SF). The proposed air-conditioned floor space and garage totals 6,407 SF. An existing one-story single-family residence will be demolished in order to construct the new dwelling. An overhead view of the lot from the Miami Dade County Property Appraiser is provided on the following page.

The setback requirements for the H30A Zoning District are 20-foot front, 5-foot side and 25 feet rear (adjacent to Indian Creek). The Applicant is proposing to comply with first floor setbacks with a setback on the rear lot of 43 feet. The Applicant's proposal on average setbacks is reasonable. Total lot pervious area is proposed to be 40.04% where 35% is required. The front yard setback pervious area is proposed at 52.5% where 50% is required. The rear yard setback area is proposed for 60% where 40% is required. The second floor under ac is proposed at 2,903 SF which is 31.9% where 32% is the maximum. Another measure of the second-floor size is it cannot be larger than 80% of the first floor. Again, the second-floor ac area is 2,903 which is larger than allowed. Lots greater than 112.5 feet are required to have the front and rear yards combined equal 36% or more. The 20-foot front yard and 43-foot rear yard when added together and divided by the 182-foot lot depth is 34.6%. A flat roof is proposed just below the 30 feet height requirement.

A variety of architectural enhancements are proposed. These items include significant breaks in the side walls, provision of balconies, dark metal trimmed windows, glass balcony railings and a large number of windows. The front elevation includes a wood garage door with wood and metal enhancements around the entry door. While 2 color renderings are included the architectural details are not provided on the drawings.

Additional dimensioning needs to be added to the drawings related to pervious details to allow checking of the calculations and percentages.

Applicant Package: A package of 9 drawings and an application was submitted by the Applicant. A recent survey was not submitted.

Staff Recommendation: The staff review for this request is being finalized and will be forwarded to the Board and Applicant prior to the meeting.

Town Planner Keller introduced the application and project.

Town Attorney Recio stated that the applicant posted notice for the February 25, 2021 meeting and not for the March 25, 2021 hearing. The March 25, 2021 meeting has a different zoom information and date and will not qualify as proper notice requirement for this meeting.

Applicant asked if the notice has to reflect the new hearing date.

Town Attorney Recio stated that yes, the new notice has to reflect the new hearing date and new zoom information.

The item was deferred due to lack of proper notice.

B. 900 89th Street – Single Family Home Addition

Background: This application is a request to demolish a previously converted garage and reconstruct a 384 square foot (SF) addition to a single-family residence. The reconstructed area is an expansion to provide a new bedroom, cabana bath and laundry room. The floor in the new area will be raised to match the existing residence finished floor elevation of 6.89 feet NGVD. The total livable area will increase to 2,484 SF. A new pool and deck totaling 662 SF is proposed for the rear yard. The Applicant is also proposing removal of the existing driveway and adding a new wider paver driveway and walks. The existing white flat tile roof will be replaced with new roofing material and charcoal gray flat cement tiles. New white windows will be added to the addition on the north and west elevations to match the existing windows that will be maintained. A new door with steps will be added to the west elevation.

The corner lot is zoned H30B totaling 6,759 SF. The proposed expansion totals 2,243 SF where 40% of the lot area is 2,704 SF. The total proposed pervious area for the lot is 3,165 SF which is 46.8 percent. The front setback is on 89th Street with a 20-foot setback. The rear setback is 20 feet. The setback on Froude Avenue is 10 feet and the side setback is 5 feet. The proposed plan complies with setback requirements. The front yard pervious area is 100 percent. The rear yard pervious area is 71 percent. The roof height is 9 feet 7 inches from the crown of the road with 24-inch eaves.

A Google Aerial and Street View are provided on pages 2 and 3. In addition to this Memorandum, a package of photos, renovation plans, elevations, landscape information and current survey was submitted by the Applicant.

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

Each lot must provide 35% pervious area and 50% of front yards and 40% of rear yards must be landscaped, and 20% of the landscaped area must be Florida Friendly as defined in the current Zoning Code. Maximum floor area must be 40% or less.

Applicant Package: A package of drawings and photos was submitted by the Applicant. The Applicant meets the 50% landscape area for the front yard and the 40% for the rear yard. Applicant also complies with the 35% pervious for the lot. The Applicant complies with the height limit and setback requirements.

Staff Recommendation: The Applicant complies with the pervious/landscape area, height and setback requirements. Recommend Planning and Zoning Board approval of the proposal as submitted.

Town Planner Keller introduced the application and project.

Deputy Town Clerk Herbello swore in the applicant and their representative(s).

Jeff Rose, representing the applicant gave a synopsis of the project and the garage conversion.

Andrew Feldman, applicant spoke regarding the project.

Board Member Mackenzie asked regarding the plan approval on the project. He stated that overall, this is a great addition but has a serious problem with having the submittals and what is the policy.

Chair Frankel asked Building Official McGuinness regarding the plans that were delivered.

Board Member Mackenzie stated that the plans presented to the board members should be signed and sealed plans.

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

C. 724 90th Street – Single Family Home Residence

Background: This application is a request to add a 819 square foot (SF) addition to a single-family residence with 2,265 SF of livable area. Based on the submission, the garage was previously converted to usable space with interior access from the existing residence. The existing residence finished floor will be

raised to 8 feet NGVD. The Applicant is proposing to add 2 new bedrooms, a bathroom and expand the existing master bedroom as depicted in Drawing AS-002. A new covered terrace (open on two sides), a new BBQ/outdoor kitchen, pool renovations, carport and hardscape and wood deck improvements are proposed. A newer higher flat roof, new doors and windows and exterior façade improvements are also proposed.

The two-lot residence is zoned H30B totaling 12,460 SF. The proposed floor area totals 3,378 SF and with 459 SF (front porch and BBQ patio). The resulting floor area coverage of 3,837 SF is 30.8% floor area coverage which is less than the 40% upper limit. The narrowest lot side is on Emerson Avenue which has 19.76 existing setback. The pervious area requirement for the front yard is 50% of 2,150 SF where 1,588 SF is provided. The existing rear setback is 15 feet. The pervious area requirement for the rear yard is 40% of 1,669 SF where 890 SF is provided.

The existing circular driveway off of 90th Street is proposed to be eliminated and a new driveway will be constructed on the east side of 90th Street where a carport is proposed with the former east connection to the circular drive will be used to access the carport

A variety of architectural enhancements are proposed. The front elevation is completely revised by adding a Sedona brown composite board wall cladding with a white stucco finish on the raised roof portion. New matching windows with silver finish are being installed around the residence. The new west and south elevations continue this theme. The east elevation has smooth white stucco.

A Miami-Dade County Property Appraiser Top Angled View is provided on page 2. In addition to this Memorandum, a package of photos, renovation plans, elevations, landscape information and current survey was submitted by the Applicant.

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

Each lot must provide 35% pervious area and 50% of front yards and 40% of rear yards must be landscaped, and 20% of the landscaped area must be Florida Friendly as defined in the current Zoning Code.

Eaves of sloped roofs may project up to 24 inches into any required yard.

The maximum roof height is limited to 30 feet as measured from the crown of the roadway.

The carport is interpreted to be a canopy, open on all sides and limited to a maximum height of 10 feet from the ground. Maximum size is 20 feet by 20 feet

and must be consistent with the Florida Building Code. The canopy is allowed to encroach in the setback area.

The site plan includes landscape details and many of the trees and plants are consistent with Florida friendly species.

Applicant Package: A package of drawings, an application, appraisal, surveys and photos were submitted by the Applicant. Drawing AS-002 provides information on hardscape and pervious area. The Applicant meets the 50% landscape area for the front yard and the 40% for the rear yard. Applicant also complies with the 35% pervious for the lot.

Staff Recommendation: The Applicant complies with the pervious/landscape area requirements. Recommend Planning and Zoning Board approval subject to the following items:

- Provide dimensions on the carport and limit the height to a maximum of 10 feet and the size less than 400 SF.
- If the proposed improvements exceed 50% of the market value of the existing residence the improvements require compliance with the Base Flood Elevation +2.

Town Planner Keller introduced the application and project.

Deputy Town Clerk Herbello swore in the applicant and their representative(s).

Francisco Mallmann, applicant spoke regarding the project.

German Brun, architect on the project spoke regarding the project.

Building Official McGuinness spoke regarding the project and raising the floor. He spoke regarding the raising of the house.

German Brun, architect addressed the question asked by Building Official McGuinness on the raising of the floor.

Chair Frankel stated that the floor is the existing height.

Town Planner Keller addressed the comments made by the Board and applicant.

Board Member Mackenzie asked Town Planner Keller what the policy is in the zoning ordinance in Surfside regarding the nonconforming setbacks.

German Brun, architect spoke regarding the decorative elements of the property.

Board Member Mackenzie spoke regarding the encroachment and the roof.

Town Attorney Recio read into the record the H30 zoning requirements as it pertains to sloped roofs.

Building Official McGuinness spoke regarding the raising of this project.

A motion was made by Board Member Bravo to approve the application with staff recommendations to include the limitation on the carport has to be less than 400 feet and not higher than 10 feet, seconded by Board Member Landsman. The motion carried with a 5-0 vote.

D. 8858 Dickens Avenue – Single Family Residence Addition

Background: This application is a request to convert an existing garage to a bedroom, walk-in closet, bathroom accessed from inside the residence and a small storage area accessed from the existing garage door. A larger addition is proposed for the rear portion of the residence providing a kitchen, living room, laundry and closet for the garage bedroom. The interior lot is zoned H30B totaling 5,625 square feet (SF).

A Google Aerial is provided on the following page and a Google Street View is located on page 3. In addition to this Memorandum, a package of photos, renovation plans, elevations, landscape plan and current survey was submitted by the Applicant.

Governing Codes: The March 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 20% 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.

MuniCode: 90-54.2 & 3 – uncovered pools and decks, porches, patios or terraces may occupy a setback provided they are located at least five feet from adjacent rear or interior side lot lines and ten feet from any street lot line.

Applicant Package: A package of drawings, survey and landscape plan was submitted by the Applicant. Drawing 2 of 10 provides details on the proposed addition. The landscape plan provides information on hardscape and pervious area.

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 dimensions on all drawings to identify the location of the pool setbacks, the pool size, the location of the pool equipment, the dimensions and size of the rear terrace and any other improvements proposed.
- The proposed driveway width is insufficient to provide for 2 parking spaces, suggest modification of driveway to be similar to existing configuration and modify the landscape plan accordingly.
- The landscape plan proposes mulch beds in the side setbacks adjacent to the residence. Is the existing walk being removed?
- Provide additional detail and information to support determinations of pervious area requirements for the total lot, front and rear setback requirements.

Town Planner Keller introduced the application and project.

Deputy Town Clerk Herbello swore in the applicant and their representative(s).

Paul Glasgow, applicant spoke regarding the project.

Chair Frankel asked regarding the front façade.

Paul Glasgow stated that the front façade stays the same and spoke regarding the driveway.

Board Member Henderson asked regarding work on the front of the house.

Paul Glasgow stated that it was the landscaping plan and that it does not change anything on the front of the house.

Chair Frankel stated that the garage was only partially converted.

Board Member Henderson asked Town Planner Keller regarding the garage conversion and how that would comply with code and are they widening the driveway.

Paul Glasgow stated that the garage was converted by the previous owners.

Town Planner Keller spoke regarding the landscape plan and it was changing the driveway and the lack of detail. He spoke regarding if the pool and addition met the code.

Further discussion took place among the Board Members regarding the approval and that all issues with the garage have to be resolved and raising the garage floor to match the rest of the house.

Board Member Mackenzie stated that he would like for the pool to meet all zoning regulations.

Chair Frankel stated that the garage meets all requirements and the pool meets the proper setbacks.

A motion was made by Board Member Mackenzie to approve the application adding the two conditions including removing the Spanish Mediterranean tile from the rear terrace, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

E. 8943 Carlyle Avenue – Garage Conversion/Driveway

Background: This application is a request to convert an existing garage to a den/office, bathroom and laundry room. New windows and doors will be replaced and a small extension of the deck is proposed. The exterior of the residence will be renovated and the existing driveway and walkway will be replaced with concrete pavers. The interior lot is zoned H30B totaling 5,600 square feet (SF).

A Miami-Dade County Property Appraiser's Angled Photo is provided on the following page and a Google Street View is located on page 3.

Governing Codes: The March 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 20% 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.

MuniCode: 90-54.2 & 3 – uncovered pools and decks, porches, patios or terraces may occupy a setback provided they are located at least five feet from adjacent rear or interior side lot lines and ten feet from any street lot line.

Applicant Package: A package of drawings, elevations, materials detail and survey was submitted by the Applicant. Applicant provided details on pervious area calculations.

Staff Recommendation: The proposed improvements are consistent with the Town's Land Development Regulations, recommend approval of the proposed plan.

Town Planner Keller introduced the application and project.

Deputy Town Clerk Herbello swore in the applicant and their representative(s).

Leon Franco, applicant spoke regarding his application and project.

Board Member Henderson spoke regarding raising of the floors to meet code and where are the pipes to feed the laundry room and bathrooms and where they are coming from.

Leon Franco stated that the garage will be raised and the piping currently in the garage includes the laundry in that area.

Board Member Bravo asked regarding drawing 200 and how it reads is that the existing driveway is being reworked or did they mean for it to be removed.

Leon Franco responded to Board Member Bravo's question and stated that it will be removed and redone.

Further discussion took place regarding the garage and windows.

Building Official McGuinness spoke regarding the specifics of the application as well as regress and ingress.

Further discussion took place among the applicant, Town Planner Keller and Building Official regarding the egress and ingress.

Board Member Mackenzie asked regarding the survey elevation and the design change of the house.

Leon Franco responded to Board Member Mackenzie's comments.

A motion was made by Board Member Mackenzie to approve the application with the recommendation that the window shown in A300 drawing proposed south elevation be

the window for the den office, seconded by Board Member Landsman. The motion carried with a 5-0 vote.

F. 9381 Carlyle Avenue – Gate/Fence

Background: This application is a request for a front yard fence, a driveway gate and pedestrian gate on Carlyle Avenue. The parcel is located in the H30A Zoning District. In addition to this Memorandum, an Agenda Packet was submitted by the Applicant which has an update photo of the property.

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

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

Applicant Package: A fence detail drawing, a survey and a recent photo of the property were submitted. The Applicant is requesting a 5-foot-high aluminum fence with 1 x 6 slats with 1 inch spacing. The fence is offset from the property line at the driveway location.

Staff Recommendation: The proposed fence design is not consistent with the Town Code relative to height and opacity. Recommend denial of the request.

Town Planner Keller introduced the application and project.

Deputy Town Clerk Herbello swore in the applicant and their representative(s).

James Brian, applicant spoke regarding the project and asked why the project did not meet code.

Town Planner Keller advised the applicant as to why it did not meet code.

Discussion took place among the applicant and Town Planner Keller regarding the project and how to get the gate approved.

Chair Frankel stated that the Board has to discuss this and how they feel about gates and fences and she is opposed to driveway gates.

Board Member Mackenzie stated that he is opposed to these fences.

Further discussion took place regarding the house and tapestry of the neighborhood.

Town Attorney Recio read into the record the code as it pertains to the front gate.

Board Member Landsman discussed regarding the renovations of the house and the particular house will look out of character.

Discussion took place among the Board members regarding the project and the guidelines.

Board Member Bravo spoke regarding fences and gates in Town.

Town Attorney Recio verified with James Brian that his statement is that it was not approved prior.

James Brian stated that at the meeting The Board stated that it would be approved with the elevation and gate portion and if they meet the height, setbacks and what it would look like it would be approved.

Town Attorney Recio stated that they do not know what the outcome of that meeting was and that what he is proposing now is something that does not meet code. He stated that possibly the Board could prefer a deferral in order to make the changes that meet code.

James Brian asked if they meet code if they will still not be approved. If he comes back with audio showing that the main part of the project showing what it will take for the project to be approved.

Further discussion took place among the Board, Town Attorney Recio and James Brian regarding the project.

Chair Frankel stated that she would not approve this gate.

A motion was made by Board Member Henderson to deny the application because it does not meet code, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

G. 1221 Biscaya Drive – Gate/Fence

Background: This application was considered by the Planning and Zoning Board at the January 28, 2021 meeting requesting a front yard fence, 16-foot driveway gate and pedestrian gate on Biscaya Drive. The request was denied. A rehearing request was considered by the Board at the February 11, 2021 Board meeting but the item did not receive sufficient votes to be heard. The Applicant has amended the request by utilizing landscaping as a fence and placing a 4-foot 6-inch pedestrian gate and driveway gate between the landscaped hedges.

The parcel is located in the H30A Zoning District adjacent to the Biscaya Drive bridge. An overhead aerial view from the Miami-Dade County Property Appraiser is provided on the following page with two Google Street View captures on page

3. In addition to this Memorandum, an Agenda Packet was submitted by the Applicant.

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

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

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

Applicant Package: A presentation package was prepared by Swedroe Architects and a current survey was also provided. The Applicant is requesting a 4 ½ foot high 16-foot-wide black aluminum motorized gate with a 3-foot-wide pedestrian gate. The gates are 50% transparent. The architect's plan provides 605 square feet of landscape area in the front yard setback area.

Staff Recommendation: Recommend the Planning and Zoning Board give design approval for a 3-foot pedestrian gate and a 16-foot motorized gate between landscape hedges. The gates should be 50% transparent, 4 ½ foot high black aluminum metal placed on the south property line of Biscaya Drive.

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

Town Planner Keller introduced the application and project.

Deputy Town Clerk Herbello swore in the applicant and their representative(s).

Sebastian Guejman, applicant spoke regarding this application.

Board Member Landsman spoke regarding the speeding in Town.

Board Member Henderson asked if the proposed gate is in compliance with the Code.

Town Planner Keller stated that it is consistent with the Code and meets the opacity and height requirement.

Further discussion took place regarding reviewing the guidelines.

Board Member Mackenzie asked Town Attorney Recio if this applicant is meeting the intent of the code do they still have latitude to reject or approve this application.

Board Member Mackenzie asked applicant if he would be willing to lower the height.

Sebastian Guejman, applicant stated he would be willing to lower the height.

A motion was made by Board Member Landsman to approve the application with the recommendation of 4 ½ feet as requested adjustment, and the color from black to white. The motion died for lack of a second.

Chair Frankel stated that this property qualifies for special circumstances and it is due to corner lots.

A motion was made by Board Member Landsman with the recommendation of 4 feet high, white color or wood color or higher SRI, seconded by Chair Frankel. The motion carried with a 3-2 vote with Board Member Mackenzie and Board Member Henderson voted in opposition.

H. 824 88th Street – Driveway Gates

Background: This address received approval for a driveway canopy in December 2020. The current application is a request to construct driveway gates at the driveway connections to Froude Avenue and to 88th Street. The corner lot is located in the H30A Zoning District. In addition to this Memorandum, an Agenda Packet was submitted by the Applicant. A Google Aerial Photo is provided on page 2.

Governing Codes: The March 2021 Zoning in Progress requirements for fences and walls are detailed in the following Zoning Code sections:

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

Staff Recommendation: This property has large hedges on both Froude Avenue and on 88th Street. Froude Avenue dead ends adjacent to this property. Engineered drawings provided by the Applicant indicate the gate on 88th Street is 5 feet high with the upper 3 feet close to 50% transparent. The gate on Froude Avenue is 2 feet 6 inches high and also close to 50% transparent. Staff would recommend the gates be fully 50% transparent. Staff does not have any issues with the driveway gates provided the Planning and Zoning Board gives design approval.

Town Planner Keller introduced the application and project.

Deputy Town Clerk Herbello swore in the applicant and their representative(s).

Roy Raskin, applicant spoke on the application.

Chair Frankel spoke regarding the fence and the other choices available.

A motion was made by Board Member Landsman to approve the application as requested. The motion died for lack of a second.

A motion was made by Board Member Henderson to deny the application, seconded by Board Member Mackenzie. The motion carried with a 4-1 vote with Board Member Landsman voting in opposition.

A motion was made by Board Member Landsman to extend the meeting for 15 minutes, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

I. 9467-9473 Harding Avenue - Façade Signs-Sidewalk Café

Background: This application is a request to convert three business storefronts into one retail business. The former Kosher Land is expanding and renaming to the Grove Kosher Market. The Applicant was approved by the Planning and Zoning Board in August 2020. The current request includes signage, finalized façade features and the sidewalk café. The commercial space is zoned SD-B40) with 75 lineal feet of frontage.

Three large projecting signs are proposed: one over the sidewalk cafe; one over the main entrance to the storefront; and one at the south end of the store. There is an additional wall graphic which is lit in the sidewalk café. The sidewalk cafe is located at the northern portion of the store. The store front was moved to increase the on-site cafe area. Six tables with 4 chairs each are located in the cafe area. Two overhead fans provide circulation and cooling for the cafe area. Overhead can lights are used to illuminate the area and wall graphics (see Applicant's drawings).

A Google Street View Photo is provided on the following page.

Governing Codes: The March 2021 **Zoning in Progress** relevant requirements for lots in the SD-B40 District are:

Current Municode: Sec 90-73.a(3b(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 25 SF sign is allowed. This store has 75 feet 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.

Sidewalk Businesses: Sec 18-92 – Provides the minimum standards, criteria and conditions for the operation of sidewalk cafes. The Applicant will need to obtain a sidewalk café permit.

Applicant Package: A package of drawings, renderings, materials detail and survey was submitted by the Applicant.

Staff Recommendation: The three proposed wall signs together exceed the square footage allowed by the Code. With 75 feet of frontage, 75 square feet of signs can be displayed. Discussions are underway on reducing the signs to meet the Town Code.

The Planning and Zoning Board needs to give design approval for the three wall signs, the furniture in the sidewalk café and the wall graphics. Additional information will be forwarded to the Board prior to the meeting.

Town Planner Keller introduced the application and project.

Deputy Town Clerk Herbello swore in the applicant and their representative(s).

Jordy Sopoum, applicant spoke regarding the application.

Board Member Henderson suggested to defer the item.

Further discussion took place among the Board and applicant regarding the sign criteria.

Board Member Bravo asked what was the need for the name being so long.

Jordy Sopoum stated that they can work on the size of the wording and name.

Chair Frankel suggested for the applicant to speak with Town Planner Keller regarding the specifics.

Board Member Mackenzie spoke regarding the application and the addition of graphics and believes that one (1) sign is sufficient.

A motion was made by Board Member Henderson to defer the item to the April meeting, seconded by Board Member Landsman. The motion carried with a 5-0 vote.

A motion to extend the meeting for 6 minutes was made by Board Member Landsman, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

Town Attorney Recio introduced Jennifer Ronneburg to spoke regarding the signage and that her business has been affected. He stated that the Town issued a violation due to not being able to obtain a building permit. She is asking for a

non-illuminated sign. She is respectfully asking to grant approval because it meets code.

Chair Frankel stated that this application was presented at the February 11, 2021 agenda. She stated that there is no way of remedying this at this time.

Town Attorney Recio stated that this Board cannot act at this time on this item.

Jennifer Ronneburg stated that she will contact Town Attorney Recio regarding the item.

The following individuals from the public spoke:

Jeff Rose stated that if his applicant has to go before the Board again due to the zoning in progress.

Town Planner Keller responded to comments made by Jennifer Ronneburg.

5. Draft Proposed Zoning Code

Item was not discussed.

6. Next Meeting Date: April 29, 2021

Chair Frankel spoke regarding the next meeting date of March 25, 2021.

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

7. Discussion Items:

A. Future Agenda Items

8. Adjournment.

A motion was made by Board Member Henderson to adjourn the meeting without objection at 10:32 p.m. The motion received a second from Board Member Landsman. The motion carried with a 5-0 vote.

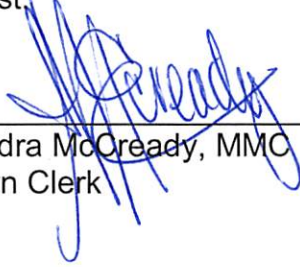
Respectfully submitted,

Accepted this 29th day of April, 2021.



Judith Frankel, Chair

Attest:



Sandra McCready, MMC
Town Clerk