



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

FEBRUARY 24, 2022 – 6:00 p.m.
Town Hall Commission Chambers –
9293 Harding Avenue, 2nd 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 (arrived at 6:02 p.m.), Board Member Randi MacBride, Board Member James MacKenzie and Alternate Board Member Carolyn Baumel (arrived at 6:03 p.m.)

Absent: Mayor Charles W. Burkett and Town Manager Andrew Hyatt

Also, Present: 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. Board Member Recognition 2020-2022

Town Manager Hyatt provided the Board Members their certificate of appreciation at the February 23, 2022 Joint Town Commission and Planning and Zoning Board Meeting.

Chair Frankel advised the public that at last night's meeting the Planning and Zoning Board Members were recognized. She thanked every member that serves and the staff to include the Town Clerk and Town Attorney for all their hard work.

4. Approval of Minutes – January 27, 2022

A motion was made Board Member MacBride to approve the January 27, 2022 Planning and Zoning Board Meeting Minutes as amended, seconded by Vice Chair Landsman. The motion carried with a 5-0 vote.

5. Applications:

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 spoke with Bill Thompson and received a stated there were a series of emails going around from Horace Henderson regarding the 9165 Collins Avenue (Hillcrest) project.

Vice Chair Landsman spoke with Horace Henderson regarding the 9165 Collins Avenue (Hillcrest) project.

Board Member MacKenzie had no communication with anyone regarding the 9165 Collins Avenue (Hillcrest) project.

Board Member Bravo spoke with Bill Thompson and James Galvin regarding the 9165 Collins Avenue (Hillcrest) project.

Board Member MacBride had no communication with anyone regarding the 9165 Collins Avenue (Hillcrest) project.

Board Member Baumel had no communication with anyone regarding the 9165 Collins Avenue (Hillcrest) project.

A. 9165 Collins Avenue – Site Plan Approval

Background: This application is a request for Site Plan Approval for a 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 14 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, pool for a majority of the residents and beach access. Additionally, a large cabana space is provided for the apartment above on Level 2 with private garden spaces, large deck area, private pool and beach access.

Level 2 includes a fitness center and one apartment (6,086 SF). The building is designed to provide very large apartments with the possibility that on floors which have two apartments (5,484 SF & 2,789 SF), a purchaser may combine the two units into a larger apartment. This could occur on Levels 3 through 7.

Level 8 provides for one large apartment with approximately 12,438 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(s). Table 1 below, summarizes site characteristics and zoning requirements.

Ordinance 21-1716 also allowed for open and unenclosed balcony encroachments on side yards of 10 feet for 50% of the setback and up to 5 feet for the remaining 50 percent of the balcony length. Additional information needs to be provided by the Applicant to support the balcony encroachments and the average setback adjustments.

A traffic study was provided by the Applicant prepared by KBP Consulting dated January 2022. The traffic study was based on 14 dwelling units for a mid-rise multifamily land use. The estimated daily traffic is 64 trips per day with 5 trips in the morning peak hour and 5 trips in the afternoon peak hour. The estimated traffic associated with the existing 24 dwelling unit 2-story apartment buildings was 162 trips be day.

The proposed development will be accessed from northbound Collins Avenue at a southerly one-way inbound driveway which quickly turns north providing a drop-off lane at the front steps of the building and further connecting to a 2-way drive along the north side of the building. Vehicles can turn left and exit with a westbound right turn on Collins Avenue or turn right proceeding easterly along

the north side of the building sloping downward to entering the underground parking garage. A 12-foot wide by 30-foot-long loading space with 14.5 feet of height is located at the end of the northside drive in the underground garage.

While the traffic impacts of the development are not expected to be significant, some clarifications are needed. The traffic study is predicated on a typical mid-rise apartment building from 11 – 31 stories where the average number of dwelling units varied between 169 – 201 units. This proposed project is 13 non-typical very large square foot units. There are no dimensions on the project driveways or drives. Florida Department of Transportation (FDOT) access approval is required.

A landscape review was performed. Differences were noted between the Architectural Site Plan (Sheet A3.00) and the Landscape Site Plan (L-100). Pervious area requirements for H120 are 20% and 25.6% is provided with the majority of the pervious area occurring in the private recreation area east of the Bulkhead Line. The landscape plan utilizes the landscape treatment provided by the Seaway project on the south side of the property. The landscape plans did not include the required irrigation plan. Dimensions of the landscape buffers need to be provided between properties. A landscape calculation table needs to be provided indicating the minimum required and provided comparisons of the proposed plant material. Provide percentages of landscaping in VUA, street lengths, buffer lengths, percentages of Florida Friendly material and native/drought tolerance material. Proposed Green Buttonwood trees exceeds 30% of the same species and should be reduced in number. Oleander can be used as an accent but does not qualify as a required tree or Palm. The percentage of required trees being proposed as Palm trees should be provided.

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 on public services do not negatively impact the Town. A copy of the draft minutes of the DRG meeting are attached to this report.

Applicant Submitted Package: The Applicant submitted the following items relative to the Site Plan Application: Letter of intent, Site Plan Application, Architectural Plan Set (22 Sheets), Landscape Plan (9 Sheets), Civil Engineering Plans (5 Sheets), survey and Ground Level Lighting Plan.

Staff Recommendation: Development review requirements for this type of project follows **Sec 90- 20(2)(a)** of the Zoning Code which requires:

- The development, as proposed, conforms to the comprehensive plan and the zoning code;
- The development, as proposed, will have a favorable or unfavorable impact on the environment and natural resources, including a

- consideration of the means and estimated cost necessary to minimize the adverse impacts, if any;
- The development, as proposed, will have a favorable or unfavorable impact on the economy of the Town of Surfside;
 - The development, as proposed, will efficiently use or unduly burden water, sewer, solid waste disposal, education, recreation or other necessary public facilities which have been constructed or planned and budgeted for construction in the area;
 - The development, as proposed, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, public streets, and roads, which have been planned and budgeted for construction in the area, and if the development is or will be accessible by private or public roads or streets;
 - The development, as proposed, is consistent with the community character of the immediate neighborhood. In addition to consistency there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation; and,
 - In the event of redevelopment, the applicant shall also submit a detailed plan for demolition.

Staff finds the proposal complies with the Town's Comprehensive Plan in that the developable portion of the parcel is west of the bulkhead line with a density lower than the maximum allowed and the portion of the parcel which is east of the bulkhead line is private recreation. Staff also finds that the proposal generally complies with the Zoning Code, the Town's Zoning in Progress and with the intent of Ordinance 21-1716 although there are concerns which are noted on page 5 and in the comments section.

The project has minimal impacts on the environment and natural resources. The lower unit density and the combination of the new side setback/average setback option has significantly reduced the volume of the building thereby, minimizing construction impacts and providing greater air flow and light. Impacts to public facilities and transportation impacts will be reduced with improved access to Collins Avenue and more efficient passenger access to the building with on-site service deliveries.

Redevelopment of the parcel will have a favorable impact on the economy of the Town and the design of the building will be consistent the community character of the beach side neighborhood. With the demolition of the existing structure and the construction of this site, the developer will implement a vibration monitoring program.

While **Sec 90-81.9** of Municode allows for extensions of the underground parking to be extended into the side and rear yards to the property lines provided the top surface of such extensions is not more than five feet above grade, little to no side setback is provided on this Site Plan for the ground floor (Level 1). A 3-foot setback is noted on the north property line and for a majority of the south property line there is no setback.

The balconies setbacks and average setback adjustments provided in Ordinance 21-1716 limit the primary front extension to not more than 8 feet and the rear of the building to 12 feet west of the bulkhead line. For the interior side setbacks, no more than 50% balcony length at 10 feet or less with the remaining balcony length at no more than 5 feet. The balconies also include a decorative extension of approximately 30 inches, this extension needs to be located within the above noted extensions, not an increased extension.

It is recommended the Applicant's Site Plan package be recommended to the Town Commission for approval subject to the resolution of the following comments.

- Address the side setback issue in relation to the upward extension of the underground garage
- Revise the balcony widths to not extend beyond the maximum allowed extension
- Resolve the differences between the Architectural Site Plan and the Landscape Site Plan
- Provide additional dimensional information to verify and substantiate average setback adjustments and balcony encroachments
- Provide dimensional information for the access drives, driveways and parking ramp
- FDOT Access Connection Approval
- Clarify flood criteria requirements raised during the DRG meeting on Level 1 with respect to the cabana bathrooms, the large cabana for Level 2 and flood venting
- Address landscape comments noted on page 3, paragraph 5
- Verify whether the landscape areas over the underground garage are included in the pervious area calculations

Note, this report will be updated prior to the Planning and Zoning Board meeting.

Ian DeMello, attorney representing the applicant and property owner introduced the other parties in attendance and addressed the recommendations and statements made by Town Planner Keller.

Bill Thompson, Fort Partners addressed the comments made by Town Planner Keller and provided an overview of the project. He stated that they submitted all the information they were asked for and spoke regarding the decorative feature, the

roof decks and stated that they will comply with what the Board decides. He stated that he brought their experts here today in order to address any questions regarding drainage or any other questions the Board might need answered.

Chair Frankel opened up the floor to public comments.

The following individuals from the public spoke:

Deborah Duvdevani spoke regarding the bright lights at 4:00 a.m. due to construction at the Seaway project. She spoke against the project.

Mauricio Yusin stated that he is not against them building the project but is against the project being built so close to the Carlyle Condominium.

George Kousoulas spoke regarding the word encroachment that has been used and explained what the definition of encroachment is. He spoke regarding the 24-inch decorative feature, the wedding cake and text amendment.

Jeff Rose stated the project is a beautiful project and stated the section of the Code when it pertains to the ornamental features and it is in the code and is clear as day. He stated that the developers care about this Town and are working with certain language with Vice Mayor Paul to make things better.

Eric Buzaglo stated that his concern is the structural integrity of his building and have there be an outline and there be a vibration engineer out there. He spoke regarding having proper testing that is also verified.

Marianne Meisheid spoke regarding the Comprehensive Plan which is the guiding document that helps guide the land use documents. She spoke regarding the project and is in support of the project.

Shannon Gallagher stated that she would like to understand what has been worked out with the Four Seasons and spoke regarding the zoning of that project. She spoke regarding the zone x property and the flooding. She also spoke regarding the mechanicals on the roof and asked for them to be pushed away from the edges.

Horace Henderson spoke against the project and read a statement into the record. He read into the record the statement from Jordan Diderech who was a resident of the Carlyle and is against the project. Mr. Henderson provided the Town Clerk the remaining 29 emails of comments from residents of the Carlyle that were unable to attend the meeting.

Chair Frankel closed the floor to public comments.

Chair Frankel asked Building Official McGuinness to address the flood questions.

Building Official McGuinness addressed the comments made regarding the flood concerns of this project and this project is not in a VE zone as a previous speaker stated. He stated that this structure is not in the VE zone. He stated that the entire structure is in the X zone and he looked at it carefully. He spoke regarding the coastal control structure line and they must comply with that requirement.

Chair Frankel asked for him to shed light on how he is making sure the integrity of the site is being watched over.

Building Official McGuinness stated that they are taking care of that and the applicant has already placed seismic monitors on neighboring properties. He stated that he will make sure they are in place and that he will be notified of any activities. He stated that they are going overboard with what they need to do with the neighbors.

Chair Frankel asked Town Attorney Recio if from a zoning code aspect if they comply with the ZIP. She also asked regarding the balconies and are they meeting the letter of the code.

Town Attorney Recio stated the ZIP has requirements and they have designed it to comply with ZIP and the State's requirements. He stated that the ZIP caps it and gave the requirements. He stated that the balconies have been reviewed and he has been looking at the encroachment issue.

Town Planner Keller stated that he looked at the balconies based on the new ordinance.

Chair Frankel asked the applicant to address the comments made by the applicant. She also stated that they sit as a design review board and they look at all the elements.

Bill Thompson, Fort Partners, stated that they will comply with all the requirements of the code. He stated that they reached out to three national level experts and they are here in case anyone has a question. He stated that they will submit a safety plan shortly.

Chair Frankel asked for them to go over exactly how far apart the buildings are from the other buildings.

James Galvin, Fort Partners, provided a PowerPoint presentation of the project and spoke regarding the separation between the buildings.

Chair Frankel opened up comments to the Board Members.

Vice Chair Landsman thanked all the speakers and they appreciate the feedback and the different issues and statements that were made. He stated that they have limited jurisdiction over some of the issues they stated. He commented on Mr. Henderson's comments and they do have compassion as it pertains to the Champlain Towers. He spoke regarding the Joint Commission and Planning and Zoning Board meeting that took place last night and what was discussed. He asked Town Attorney Recio if what was discussed last night is being taken into account. He spoke regarding the upcoming election and would like to come up with an appropriate solution in order to make folks feel more comfortable to move forward with the project.

Town Attorney Recio stated the process of the ordinance and the zoning code.

Board Member Baumel thanked Vice Chair Landsman for what he stated. She stated that unfortunately there will be change no matter what you have at the Carlyle and it is a hard thing for many in Surfside. She spoke regarding the tragedy of Champlain Towers South. She stated that she believes in the people doing this project and they have a tremendous sense of respect of their neighbors. She spoke regarding the specialist they have brought and for the residents of the Carlyle to see the faces of those that are here to answer their questions. She stated that she does not find anything that they have presented that is improper.

Board Member MacBride asked regarding the decorative piece and the diagram shown and asked regarding the setback requirements.

Mr. Galvin showed where the decorative piece of the balcony is located.

Town Planner Keller stated the initial setback is 20 feet and they have to average an additional 5 feet by building, then they can encroach on that setback area with the balcony that can go a maximum of 10 feet and they are adding a 2-foot decorative feature. He explained the setbacks and they vary.

Chair Frankel clarified the setbacks to Board Member MacBride and how it pertains to the text amendment.

Town Planner Keller provided an explanation of the setbacks.

Chair Frankel stated that they could have chosen to be 10 feet closer.

Board Member MacBride stated that they chose a different concept and spoke regarding the setback.

Mr. Thompson addressed the questions regarding the balcony and their recommendations.

Board Member Bravo spoke regarding the balcony and what does it provide to the building and why they are doing it.

Mr. Thompson stated that they do it for different reasons and explained what they did with the Seaway which was to create a different look.

Board Member Bravo spoke regarding the type of material being used which is expensive.

Board Member MacKenzie asked if they are willing to push it back so the edge of the feature sits where the glass line fits.

Mr. Thompson stated that if the Board requests that then they will do it. He went over the radius of the balcony and they will work to have it look aesthetically right and the railings will change.

Board Member MacKenzie asked regarding the section in the East where the balcony becomes 2 feet. He asked regarding the features and the façade.

Mr. Thompson answered the question regarding the balcony and easements.

Chair Frankel spoke regarding the decorative features and explained that what was voted yesterday is that they wanted to include in the draft and then still has to go for a first reading ordinance, then back to the Planning and Zoning Board and then to the Commission for second reading. She stated that she likes the design and spoke regarding the decorative features.

Board Member MacKenzie stated that it is not a like or not like issue he discussed the sentiment from last night's meeting which was eliminating the decorative features and is voicing his opinions. He provided his opinion on the decorative feature and he was not given a fair opportunity to understand the change to the setback portion of the ordinance. He stated that he feels that if he was given that opportunity, then this ordinance would not be in place and they would not be doing this building.

Mr. Thompson stated that he is here to work with the Board.

Chair Frankel thanked Board Member MacKenzie for his opinion.

Board Member MacKenzie asked regarding the 120 feet to the roof deck as it was read. He spoke regarding the development of the 120 feet in this proposal and asked some questions including an elevator override. He asked regarding the new height.

Mr. Thompson addressed the questions by Board Member MacKenzie as it pertains to the elevator and override.

Town Planner Keller responded to Board Member MacKenzie's question and reiterated his recommendations.

Town Attorney Recio read the section of the code as it pertains to open air recreational elements.

Town Planner Keller stated his recommendations again and that the roof decks be clarified and be consistent with the code.

Board Member MacKenzie asked where the mechanical equipment will be for this building.

Mr. Thompson stated that it will be across the street and it will be located as part of the west garage they have at the Surf Club.

Board Member MacKenzie asked regarding the width of the driveway.

Town Planner Keller stated that he did request more detail as to the driveway.

Mr. Galvin stated that they did include the dimensions of the driveway.

Board Member MacKenzie stated that they will meet the zoning requirements for that portion as well.

Board Member Bravo stated that they have addressed the comments from the previous time.

Chair Frankel commented regarding the overall design of the building and is beautiful and carefully designed. She stated that she is happy that they approved the text amendment. She stated this project provides a better option and they will be a better neighbor than another design. She stated that the design could have been closer to the Carlyle. She stated that this building is a sister of the building on the other side of the historic property in a similar way of the Surf Club. She is happy that the open air of the Seaway is staying. She stated that all the rules will be followed and is happy that they have put all the safeguards in place. She encouraged the Carlyle to have their own building evaluated. She stated that at the last meeting she brought up the design guidelines and they need to be updated and have been in place for a long time. She stated that is what they go by to determine the projects they approve. She discussed the decorative features of the building. She agrees with Town Planner Keller's comments as it pertains to the roof top decks.

Board Member Baumel agrees with Chair Frankel and spoke regarding the design of the building. She does not agree taking away the design and creativity of the extensions.

Town Attorney Recio stated that the site plan criteria, which is located on page number 4 of the staff report.

Chair Frankel read the criteria of the site plan recommendations as it pertains to this project found in the staff report.

Town Attorney Recio explained that what they are making is a recommendation to the Town Commission with the conditions stated.

Board Member MacBride spoke regarding the encroachments of the balcony.

Chair Frankel stated that they can made a motion with conditions.

Town Attorney Recio provided explanation as it pertains to the decorative encroachment.

Board Member Baumel asked if the zoning code section does not pass then will they be able to still have the design.

Town Attorney Recio addressed the comment made regarding the balcony design.

After a lengthy discussion as to the language of the motion, recommendations and conditions, the following motion was made.

A motion was made by Board Member MacBride to approve the application with the staff recommendations addressing the balconies projections including any decorative architectural features to not extend beyond the maximum allowable encroachment for a balcony, seconded by Vice Chair Landsman. The motion carried with a 4-1 vote with Chair Frankel voting in opposition.

Chair Frankel explained that her vote in opposition is not in opposition to the project because she believes that the decorative feature of the balcony should stay.

B. 9488 Byron Avenue – New Single-Family Residence

Background: This application is a request to demolish the existing one-story single-family residence and construct a new 2-story single family residence with a pool and deck. The plans also include a Pergola, three (3) outdoor terraces, and a new concrete driveway with grass inlay. The parcel is located in the H30B Zoning District at 9488 Byron Avenue. The lot depth is 112.5 feet with a width of 55 feet. The site plan indicates the lot size is 6,060 square feet (SF).

The setback requirements for the H30B Zoning District for a corner lot are 20-foot front, 20-foot rear, 10-foot secondary frontage, and a minimum of 10% frontage for lots over 50 feet in width. The Applicant is proposing a 20-foot front setback, a 20-foot rear setback, 10-foot secondary setback, and a 5-foot 5 inches side setback. Total lot pervious area is 39% (2,379 SF) where 35% of 6,060 SF is required. The front yard setback pervious area is 62% (606 SF) where 50% of 978 SF is required. The rear yard setback pervious area is 50% (548 SF) where 40% of 1,100 SF is required. The second floor under A/C is proposed at 1,549 SF or 69% of the first floor where 80% is the maximum. A flat roof is proposed with a 1-foot parapet where the maximum roof height is 30 feet with a maximum height modification of 3 feet. Table 1 on page 2 provides information on site characteristics and zoning requirements.

A variety of architectural enhancements are proposed, and include 2 front exterior doors, the primary entrance door is glazed with dark gray and the other door will be the entry to the storage area and is proposed to be a glass door. Other architectural elements include 'Jerusalem Stone' tile on portions of the exterior, simulated wood cladding and soffits, glass guards with black framing, impact windows and doors with black framing, black exterior lighting, and skylights. The house is to be stucco smooth and painted white. Detailed drawings were provided by the Applicant with limited information on the pool.

The Applicant is proposing 7 street trees where 8 street trees are required (Palm Trees are counted 3:1). It is unclear how many trees and shrubs are being proposed for the lot, where 5 trees of two different species and 25 shrubs are required for single-family homes. The site plan shows 3 species of palm trees proposed and 2 species of shade tree, where there must be a total of 4 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 drawings and the application was submitted by the Applicant with a recent survey dated 1/5/2022.

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

- 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.
- Verify the northeast portion of the residence provides the 20-foot setback from the street radius.
- Clarify and dimension the 2nd story bump out into the secondary frontage setback
- Per the ***Zoning in Progress***, all landscaped areas must include 40% of Florida-Friendly materials. Provide calculations to show this requirement is met. Please refer to **Sec. 90-95** for H30B landscape requirements. A total of four (4) different tree species are required: 30% shade trees, 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.

- The future pool and deck should be defined to ensure rear setback requirements are met in addition to landscape/pervious area, see **Sec. 90-54.2**.
- 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. 90-97**, any trees removed or relocated require a tree removal permit.

Note, this report may be updated prior to the Planning and Zoning Board meeting.

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

The following individuals from the public spoke:

Arian Campo Flores spoke against the project and the design.

Jeff Rose spoke in support of the project.

Chair Frankel spoke regarding the design guidelines and provided an overview of what the design guidelines state regarding projects and corner lots.

Vice Chair Landsman spoke regarding what is required by the code and stated that this will be a big home. He stated that today may not be the right time and they have very limited options of what they can do.

Board Member MacKenzie addressed the comments made by Mr. Flores and concurs with Chair Frankel that some effort has been made by the applicant. He stated that this application does compress what is allowed. He also asked regarding the mechanical equipment.

Town Attorney Recio addressed the comments made by Board Member MacKenzie as it pertains to roof top mechanical equipment.

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

Ezequiel Singer, applicant, addressed the comments made by the Board.

Board Member MacKenzie provided his input and recommendations that will make the project lighter.

Board Member Bravo spoke regarding uniqueness of the lot and the design guidelines as it pertains to the code.

Town Attorney Recio explained what the design guidelines entail.

Chair Frankel stated that the reason why she mentioned this is because of the fact that the design guideline is so out of date and needs to be changed.

Board Member Bravo asked regarding irrigation for the planters.

Chair Frankel reiterated the conditions presented and went over the conditions. She stated that the wood colors need to be lighter and the window framing from black to gray and increase the length of the planters as well as irrigation.

Board Member MacKenzie stated that the conditions should include a 2-foot wall to retain the water on the property and be a balance for privacy.

Chair Frankel asked regarding the language as it pertains to the 6-foot hedges.

Town Planner Keller provided the staff recommendations.

Mr. Flores requested for the Board to defer this item.

Chair Frankel stated that there are no grounds to defer the item. She stated that the owner of the property has made efforts to be considerate and they are building a smaller house.

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

C. 524 89th Street – New Single-Family Residence

Background: This application is a request to demolish the existing 1 story single family residence and construct a new 2-story single family residence with a pool (336 SQ. FT.) and uncovered patio (412 SQ.FT.) The plans also include an outdoor BBQ, a new concrete driveway with grass inlay, and a 30-inch-high retaining wall with a fence on top, not to exceed a total height of 6 feet and an outside staircase to access solar panels located on the roof. The parcel is located in the H30B Zoning District at 524 89th Street. The lot depth is 112.5 feet with a width of 61.25 feet. The site plan indicates the lot size is 6,860 square feet (SF).

The setback requirements for the H30B Zoning District for a corner lot are 20-foot front, 20-foot rear, 10-foot secondary frontage, and a minimum of 10% frontage for lots over 50 feet in width. The Applicant is proposing a 20-foot front setback with a rear setback of 20 feet, 10-foot secondary setback and a 6 foot 1. inches side setback. Total lot pervious area is 2,855 SF where 35% of 6,860 SF is required. The front yard setback pervious area is 65.1% (766) SF where 50% of 1,176 SF is required. The rear yard setback pervious area is 57% (632 SF) where 40% of 1,224 is required. The second floor under A/C is proposed at 1,881 SF or 71.8% of the first floor where 80% is the maximum. A flat roof is proposed where the maximum roof height is 30 feet. Table 1 on page 2 provides information on site characteristics and zoning requirements.

A variety of architectural enhancements are proposed. These items include a white aluminum garage door, wood entrance door with floating steps, black aluminum window frames, black sconce lights, wood tongue and groove ceiling at eyebrows, exterior cladding with porcelain tile in a beige natural color, glass railing, and white metal stairs to access solar panels. The plans also include a concrete driveway, a black metal fence on top of a retaining wall, while the rest of the house is to be stucco smooth and painted white. Detailed drawings were provided by the Applicant with limited information on the pool. The plans show the pool and patio to be raised above ground with a slope in the rear yard.

The Applicant is proposing two (2) street trees where 8 street trees are required (Palm Trees are counted 3:1). The Applicant is proposing 6 lot trees and 35 shrubs for the lot, where 5 trees of two different species and 25 shrubs are required for single-family homes. The site plan shows one species of palm trees proposed and no species of shade tree, where there must be a total of 4 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 drawings and the application was submitted by the Applicant with a recent survey dated 07/19/2021.

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

- 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 elevation 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
- Verify the setback distance for the northwest corner of the residence to Carlyle Avenue
 - Verify the equipment located adjacent to the 6-foot 2-inch side yard setback is 15 feet from the adjacent residence
 - 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. 90-89.4 (6)** Street trees shall be required at one shade tree/palm tree per 20 linear feet of street frontage along all public or private street rights-of-way in all zoning districts
 - Per **Sec. 90-97**, any trees removed require a tree removal permit

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

Ms. Vicente, architect for the project provided an overview of the project.

The following individuals from the public spoke:

Sonia Hedditch
Jeff Rose
George Kousoulas

Board Member Bravo stated that the home is beautiful. He commented on the stairs and asked why they are waiting on the solar panels.

Ms. Vicente stated that they will be installing the solar panels, they just haven't been able to get a consultant. She explained the process of getting the solar panels.

Board Member Bravo stated they are using TPO for the roof and now there is a delay of 10 months to get the materials. He asked regarding the material being used.

Daniel Damiani, applicant explained the materials being used.

Board Member Bravo spoke regarding the integration and likes it.

Building Official McGuinness provided his recommendations.

Chair Frankel spoke regarding the mechanicals on the roof.

Discussion took place among the Board Members regarding the project and staff recommendations.

John Beach, representing the applicant provided answers to the Board Members' questions.

A motion was made by Board Member Bravo to extend the meeting to 10:30 p.m., seconded by Vice Chair Landsman. The motion carried with a 5-0 vote.

Board Member MacKenzie addressed issues with the plans and stated he is not ready to approve this application at this time.

Chair Frankel spoke regarding the comments made by Board Member MacKenzie.

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

D. 601 94th Street – New Two-Story Single-Family Residence

Background: This application is a request to demolish the existing one-story single-family residence and construct a new 2-story single family residence with a pool (260 SF) and deck with a covered terrace (308 SF), an outdoor BBQ and shower, and a new concrete driveway with grass inlay. The parcel is located in the H30B Zoning District at 604 94th Street. The lot depth is 112.5 feet with a width of 55 feet. The site plan indicates the lot size is 6,187.50 square feet (SF).

The setback requirements for the H30B Zoning District for a corner lot are 20-foot front, 20-foot rear, 10-foot secondary frontage, and a minimum of 10% frontage for lots over 50 feet in width. The Applicant is proposing a 20-foot front setback with a rear setback of 20 feet, 10-foot, 2 Inches secondary setback and a 5-foot 6 inches side setback. Total lot pervious area is 38% (2,339 SF) where 35% of 6,187.5 SF is required. The front yard setback pervious area is 50% (551 SF) where 50% of 1,100 SF is required. The rear yard setback pervious area is 67% (745 SF) where 40% of 1,100 is required. The second floor under ac is proposed at 1,736 SF or 75% of the first floor where 80% is the maximum. A pitched roof is proposed with a maximum roof height is 30 feet. Table 1 on page 2 provides information on site characteristics and zoning requirements.

A variety of architectural enhancements are proposed; a metal black garage door, wood composite wall paneling, Natural stone veneer with gray tones, and black aluminum impact window and doors. Other Architectural elements also include a light gray metal roof, black aluminum railings with stainless steel cabling, a fence, stone planters at the front entrance and a concrete driveway with gray inlay. The house is to be stucco smooth and painted white. Detailed drawings were provided by the Applicant with limited information on the pool.

The Applicant is proposing seven (7) street trees where 8 street trees are required (Palm Trees are counted 3:1). Six (6) lot trees and thirty-five (35) shrubs are being proposed for the lot, where 5 trees of two different species and 25 shrubs are required for single-family homes. The site plan shows 3 species of palm trees proposed and 2 species of shade tree, where there must be a total of 4 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 drawings and the application was submitted by the Applicant with a recent survey dated 01/10/2022.

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

- Verify and dimension the 20-foot setback distance on the southeast corner of the residence to Carlyle Avenue
- 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. 90-47.3** air conditioning equipment, pool pump or other mechanical equipment shall maintain at least a five-foot (5) 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. Verify the pool equipment is 5 feet from the side yard property line and screen the equipment if visible from the street
- The proposed fence shall meet the requirement in **Sec. 90-56.1(A)**, A fence or ornamental wall not more than six feet in height, as measured from grade, may project into or enclose an interior side or rear yard only. Prohibited fence materials may be found in **Sec. 90-56 B(g)**
- Per the **Zoning in Progress**, all landscaped areas must include 40% of Florida-Friendly materials. Provide calculations to show this requirement is met. Please refer to Sec. 90-95 for H30B landscape requirements. A total of four (4) 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
- Per **Sec. 90-97**, any trees removed require a tree removal permit

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

Vice Chair Landsman asked if he needs to recuse himself since he is the next-door neighbor.

Town Attorney Recio stated that since he will be directly affected, he would need to recuse himself and Board Member Baumel will sit in on his behalf.

Vice Chair Landsman recused himself and left the chambers.

Board Member Baumel sat in Vice Chair Landsman's place for this item.

Jeff Rose, representing the applicant gave a background of what occurred with the architect who has COVID and the applicant has asked George Kousoulas to represent them.

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

Chair Frankel likes the design of the home and provided her comments.

Board Member Bravo asked regarding the mechanical and pool equipment.

Board Member MacKenzie asked regarding the windows as well as the parapet and the elevation.

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

Vice Chair Landsman came back to his seat on the dais.

E. 8818 Carlyle Avenue – Carport Awning

Background: This application is a request to install and attach a white fabric flame-resistant awning (10'W X 20' L) to the existing single-family residence over an existing driveway. The property is located in the H30B Zoning district. Per Miami Dade County Property Appraiser, the lot area is 5,600 SF. A survey of the site and Miami Dade County Property Appraiser (MDCPA) aerial and Google Street View photos are provided on pages 2-4.

Governing Codes:

Awnings and canopies are similar to each other in the Zoning Code. Carport Canopies are described in Sec 90-58 of the Code.

Current Municode, Sec. 90-58:

- (1) Such canopy shall not exceed 20 feet in length and 20 feet in width.
- (2) The height of such canopy shall not exceed ten feet.
- (3) The height of the side openings shall be at least six feet, three inches.
- (4) Such canopy shall be subject to the following minimum setbacks:
 - a. Rear: Five feet
 - b. Interior side: Five feet
 - c. Primary (front) and secondary (corner): Two feet
 - d. Rear of street curb: Seven feet
- (5) A canopy shall at all times remain open on all four sides, if free standing, and open on three sides if attached to the main building.

Staff Recommendation: Approval subject to meeting the following comments.

- The height of such canopy shall not exceed 10 feet. Provide the height of the canopy from the ground below and provide a dimension length for the vertical member where the canopy attaches to the residence at the garage
- Maintain at least a 5-foot setback from the north property line
- The canopy length shall be reduced to provide a minimum front setback of 2 feet
- The height of the side openings shall be at least 6 feet- 3 inches from the ground below

Chair Frankel asked regarding the color of the canopy.

Marc Gutman, representing the applicant addressed the staff recommendations.

Chair Frankel asked if white canopies last.

Mr. Gutman stated that the roof will not stain the awning and the awning will last longer.

Board Member MacKenzie stated that the hip roof will have water going onto the awning.

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

Board Member MacKenzie discussed the awning and canopy.

Town Planner Keller addressed the comments made by Board Member MacKenzie.

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

6. Local Planning Agency (LPA)

Ordinance Amending Zoning Definitions to Remove Development Loopholes

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-2. - "DEFINITIONS", TO DELETE THE DEFINITION FOR "GROSS ACRE" AND TO REVISE THE DEFINITIONS FOR "HEIGHT," "LOT AREA," AND "LOT COVERAGE"; 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 the definitions in the ordinance and the exemptions.

Chair Frankel explained that this is effectively decreasing the lot area line not and not by much.

Discussion took place among the Board Members regarding the gross acreage definition.

The following individuals from the public spoke:
George Kousoulas
Jeff Rose

Town Attorney Recio addressed the comment made by Mr. Rose as it pertains to Champlain Tower South.

A motion was made by Vice Chair Landsman to extend the meeting until 10:55 p.m., seconded by Board Member Bravo. The motion carried with a 5-0 vote.

A motion was made by Vice Chair Landsman to recommend adoption of this Ordinance as written to the Town Commission for approval on second reading at their March 8, 2022 Town Commission Meeting, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

Chair Frankel spoke regarding encouraging the Commission to provide funding for the rewrite of the Design Review Guidelines.

Town Planner Keller objects to Board Member MacKenzie stating that he is not being diligent. He stated that they have accomplished a lot.

A motion was made by Board Member MacBride to encourage the Commission to provide funding to hire a consultant to rewrite the design guidelines with the input from the Planning and Zoning Board, seconded by Vice Chair Landsman. The motion carried with a 5-0 vote.

7. Draft Proposed Zoning Code

8. Next Meeting Date: March 31, 2022

Consensus was reached to hold the next meeting on March 31, 2022.

8. Discussion Items:

A. Future Agenda Items

9. Adjournment.

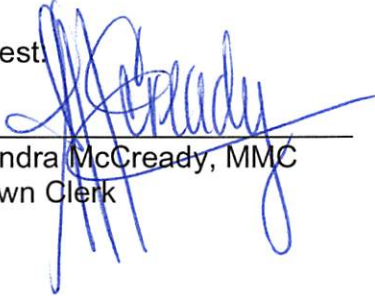
A motion was made Vice Chair Landsman to adjourn the meeting without objection at 10:57 p.m. The motion received a second from Board Member Bravo. The motion carried with a 5-0 vote.

Respectfully submitted,

Accepted this 31 day of March, 2022.



Judith Frankel, Chair

Attest: 

Sandra McCreedy, MMC
Town Clerk