



**Town of Surfside  
Planning and Zoning Board Meeting  
MINUTES  
September 28, 2023  
6:00 PM  
Town Commission Chambers**

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

Chair Baumel called the meeting to order at 6:02 p.m.

Deputy Town Clerk Herbello called the roll with the following members present.

Present: Chair Carolyn Baumel, Vice Chair David Forbes, Board Member Ruben Bravo, Board Member Lindsey Lecour, and Alternate Board Member Andrew Bales.

Absent: Board Member Jonathan Edderai and Alternate Board Member Michael Szafranski.

Also Present: Commission Liaison Commissioner Fred Landsman, Town Attorney Ed Martos, Town Manager Hector Gomez, Town Planner Judith Frankel, Consultant Town Planner Walter Keller and Building Official James McGuinness.

**2. Town Commission Liaison Report**

Commissioner Landsman provided his Commission Liaison Report.

Chair Baumel stated that there is nobody up here that would ever speak to the Town Planner the way she was spoken to last night at the Commission Meeting. She also gave her support to staff including Deputy Town Clerk Herbello.

**3. Approval of Minutes**

**3.A August 31, 2023 Special Planning and Zoning Board Meeting Minutes and August 31, 2023 Regular Planning and Zoning Board Meeting Minutes - Sandra McCreedy, Town Clerk**

A motion was made by Board Member Lecour to approve the August 31, 2023 Special Planning and Zoning Board Meeting Minutes and the August 31, 2023 Regular Planning and Zoning Board Meeting Minutes, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

A motion was made by Vice Chair Forbes to move the following items: Item 5C (9425 Harding Avenue) to be heard as the new 5A, item 5D (9501 Harding Avenue) to be heard as the new 5B, item 5E (8851 and 8873 Harding Avenue) to be heard as the new item 5C, item 5A (525 95th Street) will now be new item 5D and item 5B (8850 Hawthorne Avenue) will now be the new 5E, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

[August 31, 2023 Special Planning and Zoning Board Meeting Minutes](#)

[August 31, 2023 Regular Planning and Zoning Board Meeting Minutes.pdf](#)

#### 4. Ordinances

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

Town Attorney Martos asked Deputy Town Clerk Herbello to confirm notice requirements were met.

Deputy Town Clerk Herbello confirmed that notice requirements were met.

Deputy Town Clerk Herbello swore in all applicants and individuals from the public that would like to speak.

Town Attorney Martos polled the Board Members.

Vice Chair Forbes spoke with Vanessa Madrid, the attorney representing the applicant for item 5E (8851 and 8873 Harding Avenue), which is now the new item 5C.

No other board members spoke to any of the applicants.

##### 4.A **Business District Setbacks and Lot Standards to Preserve the Integrity of the SD-B40 District** - Hector Gomez, Town Manager

The Town Administration aims to protect the neighborhood serving small business and commercial character of the Town's historic SD-B40 district and ensure any residential uses in the district, enabled through the State of Florida's "Live Local Act" are appropriately developed. Therefore, the Town Administration recommends adoption of the proposed ordinance.

Deputy Town Clerk Herbello read the title of the ordinance into the record.

Town Planner Frankel introduced item and provided an overview of what the Town Commission recommended.

Alternate Board Member Bales asked regarding existing businesses and if it only applies to Harding Avenue. He asked what is the maximum height of apartments on the west side of Collins Avenue.

Town Planner Frankel addressed the comments made. She stated you can use this mechanism for any area that is zoned mixed use or commercial area and stated this

is the only place it would apply. She stated it is 40 feet and spoke regarding what is allowed in the mixed use area.

Town Attorney Martos clarified what the purpose of the legislation is which is to allow it to be consistent with the neighborhood requirements.

Board Member Lecour asked regarding the setbacks and height requirement. She understands the desire of not having a 12-story building and how did they arrive at 5,000.

Town Attorney Martos responded to the questions asked by the Board members as it pertains to the setbacks as well.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

A motion was made by Board Member Lecour to recommend to the Town Commission to approve the ordinance on second reading adding the stricken language back, seconded by Alternate Board Member Bales. The motion carried with a 4-1 vote with Vice Chair Forbes voting in opposition.

[Ordinance To Preserve SD-B40 Neighborhood-Revised.doc](#)

#### **4.B Ordinance Amending Section 90-41 Regulated Uses - Arcades - Hector Gomez, Town Manager**

Town Administration finds that decoupling typical arcade games from liquor establishments is appropriate. This alteration to the Code may contribute to the Town's unique cultural, retail, and dining experiences, and may compliment a variety of uses that are vital to the Town's residents, economy, and tourism industry.

Deputy Town Clerk Herbello read the title of the ordinance into the record.

Town Planner Frankel introduced item and provided an overview of what the Town Commission recommended.

Board Member Bravo asked regarding the \$50.00 occurrence per machine.

Town Planner Frankel stated they could add the specification on putting a cap and it was done to make sure there was no gambling. They could add specification per day.

Vice Chair Forbes stated that \$50.00 would be a lot.

Chair Baumel opened the floor to public comments.

There were no public comment.

Chair Baumel closed the floor to public comments.

A motion was made by Vice Chair Forbes to recommend to the Town Commission to approve the ordinance on second reading, seconded by Board Member Lecour. The motion carried with a 4-1 vote with Board Member Bravo voting in opposition.

[Ordinance Amending Section 90-41 Regulated Uses - Arcades](#)

## 5. Applications

### 5.A 525 95th Street - One-Story Addition - Judith Frankel AICP, Town Planner

**Staff recommendation:** Staff finds this application for a side yard addition generally meets the zoning code. The Planning and Zoning Board should determine whether the new addition is “consistent with and in conformance with the design guidelines set forth in the Town Code”. The new addition does not alter the architectural style of the home and will not be visible from the public street.

Town Planner Frankel introduced the item.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Discussion took place among the Board Members and applicant regarding the application and conditions for approval.

A motion was made by Alternate Board Member Bales to approve the application with staff recommendations, seconded by Board Member Lecour. The motion carried with a 5-0 vote.

[Attachment A: Zoning Table.pdf](#)

[Attachment B: Existing Conditions Images](#)

[525 95 Street Agenda Packet.pdf](#)

### 5.B 8850 Hawthorne Avenue - One-Story Addition - Judith Frankel AICP, Town Planner

**Staff recommendation:** Staff finds this application for a storage structure addition generally meets the zoning code. The Planning and Zoning Board should determine whether the new addition is “consistent with and in conformance with the design guidelines set forth in the Town Code”. If the proposed addition is determined to be consistent, staff recommends approval with the following condition:

- Code section 90-49 requires lots in the H30A zoning district to provide a minimum of 35% pervious/landscaped area. Applicant must provide calculations demonstrating that the required 35% pervious space is present.
- Code section 90-45 requires a minimum front setback of 20 feet.

Town Planner Frankel introduced the item.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Discussion took place among the Board Members and applicant regarding the application and conditions for approval.

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

[Attachment A: Images and Zoning Tables.pdf](#)  
[8850 Hawthorne Ave Agenda Packet.pdf](#)

**5.C 9425 Harding Avenue - New Wall Sign** - Judith Frankel AICP, Town Planner

**Recommendation:** Town Administration finds the proposed sign design meets the Zoning Code requirements and recommends approval.

Town Planner Frankel introduced the item.

Board Member Lecour stated she was under the impression that wall signs did not have to come before this Board anymore.

Chair Baumel also thought the same thing.

Town Planner Frankel stated it was only window signs.

Board Member Bravo asked if they still have a DRG.

Town Planner Frankel stated it is this Board.

Chair Baumel opened the floor to public comments.

There were no public comment.

Chair Baumel closed the floor to public comments.

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

[9425 Collins Avenue Agenda Packet.pdf](#)

**5.D 9501 Harding Avenue - New Wall Sign** - Judith Frankel AICP, Town Planner

Town Administration finds that the application generally meets the Zoning Code requirements for wall signs and recommends approval with the condition that:

- The sign be off-set from the wall a minimum of one quarter inch to a maximum of two inches to permit rainwater to flow down the face of the wall.

Planning and Zoning Board may request that the sign be centered above the entrance to the store or centered to the width of the façade.

Town Planner Frankel introduced the item.

Chair Baumel opened the floor to public comments.

There were no public comment.

Chair Baumel closed the floor to public comments.

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

[9501 Harding Avenue Agenda Packet.pdf](#)

**5.E 8851 and 8873 Harding Avenue - New Multi-Family 8 Townhomes** - Walter Keller AICP, Consulting Town Planner and Judith Frankel AICP, Town Planner

**Staff Recommendation:** Development review requirements for this type of project follow *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 development of 8 townhouse dwelling units is less than the allowable density provided in the Comprehensive Plan. Staff also finds the proposal generally complies with the Zoning Code since the building will be consistent with the Town's height requirements, complies with setback requirements and complies with the pervious area requirements.

The project has minimal impacts on the environment and natural resources. The significant reduction in dwelling units from the previously approved development (18 apartments to 8 townhouse units) will lessen the water, sewer, solid waste and public education impacts. The proposal is also only slightly more intense than the existing land uses (1 single family residence and 6 apartment units).

The proposal will have a positive impact on the local economy by increasing the tax base with 8 new townhouses averaging approximately 2,400 SF of area. The redevelopment may also support other redevelopment in the area.

Impacts to public roadway facilities and transportation impacts are also an improvement over the existing condition where the single-family residence has a circular driveway and the 6-unit apartment building has 6 backout parking spaces on Harding Avenue. The proposed development will have one driveway connection to Harding Avenue.

The 2 story townhouse buildings with understory are compatible with the community character of the east side of Harding Avenue in this area where the majority of the existing uses are 2 story apartments. The developments to the east are at higher densities and generally 4 story buildings.

The Applicant will comply with all applicable requirements of Ordinance No. 2022-1720, adopted March 8, 2022 (codified in Section 14-104 of the Town Code), regarding construction sites.

The Development Review Group (DRG) reviewed the Site Plan Application on September 15, 2023. The meeting was held via Zoom at 1:30 PM. After discussion, Town staff were in agreement that the Plan's impacts were considered, and the project should proceed to the Planning and Zoning Board for review.

It is recommended the Planning and Zoning Board approve forwarding the Applicant's Site Plan package to the Town Commission subject to the resolution of the following comments:

- Modify the building plans to reduce the roof top height to be no higher than 30 feet above the average crown of the road (5.67 NGVD) for Harding Avenue.
- Provide flood vents for the enclosed rooms of the understory per the Florida Building Code including the garage, lobby and foyer, storage room.
- Submit information and sketches to verify the pervious area of the project. The elevated landscape planters on the first level and second level may not be included in landscaping calculations.
- Add a table (or modify a table) in the landscape plan identifying the "Florida Friendly" species proposed and verify that 40% of the trees and shrubs by quantities.
- Applicant must obtain unity of title for the two parcels.
- Secure tree permits for all trees removed or relocated.
- Coordinate with the Town's Public Works Department on water, sewer and solid waste facilities.
- Coordinate with the Town's Public Works Department on on-site drainage.
- Coordinate with the Town's Public Works Department on utility access.
- Secure FDOT approval for the curb cut on Harding Avenue.

Consultant Town Planner Keller introduced the item. He stated this is a positive project but he is not comfortable that the plans are not where they need to be and that is why he is hesitant to provide additional staff recommendation comments.

Building Official McGuinness provided his staff recommendations.

Alternate Board Member Bales asked what the maximum height level is and if they would go up another foot if that would work.

Building Official McGuinness stated that would be fine.

Vanessa Madrid, representing the applicant provided an overview of the project and the architect for he project continued with the presentation and project overview.

Discussion took place among the Board Members and the applicant regarding the handout of the presentation for the project.

Chair Baumel asked if these are the plans with the correction from this morning and how many corrections were there.

Ms. Madrid stated there were 7 corrections.



Chair Baumel asked if all 7 were met.

Ms. Madrid stated some have to do with them working with FDOT and as it relates to the plans they all have been met. The architect stated that there were 12 total and 7 were met and the others are waiting for FDOT.

Chair Baumel opened the floor to public comments.

There were no public comments.

Chair Baumel closed the floor to public comments.

Board Member Lecour asked regarding the façade and the stucco on AO.10. She likes the coral stone that they were using and then they move to stucco on the side of the street that everyone is seeing and she would like the coral stone on the side of the façade that everyone will be seeing.

The applicant representative addressed the comments made by Board Member Lecour.

Andres Quintero, landscape architect spoke regarding the landscape of the project.

Board Members provided their comments and concerns that the Town Planners are not comfortable approving this project as it is being presented.

After further consideration took place among the Board Members regarding the project and materials being used the following motion was made.

A motion was made by Vice Chair Forbes to approve the application with the following conditions: (1) Applicant will not go before the Town Commission until they have satisfied code, design restrictions and all staff recommendations and (2) Approval by Town Planners and Building Official, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

[Attachment A: Location and Zoning Table](#)

[Attachment B: DRG meeting notes](#)

[8851 and 8873 Harding Avenue Agenda Packet](#)

## **6. Next Meeting Date**

### **6.A No Meeting in October due to Commission Chambers Upgrade.** - Deputy Town Clerk Evelyn Herbello

Deputy Town Herbello advised the Board members that the Commission Chambers will be under renovation and no meetings can take place during that time. Therefore there will be no Planning and Zoning Board meeting on October 26, 2023.

### **6.B Combining November and December 2023 Planning and Zoning Board Meetings to be held on November 30, 2023.** - Deputy Town Clerk Evelyn Herbello

Deputy Town Clerk Herbello requested a motion to combine the November 30, 2023 and December 28, 2023 meetings to hold them on November 30, 2023.

A motion was made by Vice Chair Forbes to combine the November and December Planning and Zoning Board meetings to be held on November 30, 2023, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

Discussion among the Board Members and staff took place regarding a possible special meeting or workshop to be scheduled to go over a the draft comprehensive plan and design review guidelines being drafted. Also possibly having a consent agenda on the Planning and Zoning Board Meetings agendas and Town Attorney Martos will look into that.

Deputy Town Clerk Herbello will look at possible available dates in November and send out an email to staff and Board Members for their availability.

Vice Chair Forbes left the meeting at 7:45 p.m.

## 7. Discussion Items

### 7.A Update of Ongoing Projects - Judith Frankel, AICP, Town Planner

Town Planner Frankel spoke regarding the comprehensive plan and design review guidelines draft coming up and they might have two quasi-judicial applications in the November 30, 2023 agenda.

## 8. Adjournment

There being no further business to discuss before the Board, a motion was made by Board Member Bravo to adjourn the meeting at 7:56 p.m., seconded by Alternate Board Member Bales. The motion carried with a 4-0 vote.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Carolyn Baumel, Chair

Attest:

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Sandra N. McCreedy, MPA, MMC  
Town Clerk