

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, March 10, 2015
7:00 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 7:00 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Assistant Development Services Director/Town Planner Linda Connors, Town Attorney Susan L. Trevarthen, Attorney Kathryn Mehaffey, Finance Director Tony Bryan, Municipal Services Director Don Prince, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Rabbi Bentzion Singer gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

It was requested that Item 16b be moved to Item 5b.

5. PRESENTATIONS

a. Presentation of Preliminary Designs & Site Plan Options for the Public Restrooms to be constructed on El Mar Drive (Connie Hoffmann, Town Manager)

Town Manager Connie Hoffmann introduced Anthony Abbate and Alex McManus of Abbate and Associates, who presented two alternative designs and site plans for the public restrooms to be constructed on El Mar Drive. Mr. Abbate provided an overview and renderings of the site, noting that the first design, Scheme 1, would include a continuous landscape buffer on the south end of the property to shield it from nearby residential properties. It also features wide sidewalks that terminate at the restroom facility and narrow in the residential area beyond.

Scheme 1 has two versions, one of which includes backout parking that can accommodate five cars and an alternative featuring off-street parking. Both versions also offer on-street parallel parking. The facility would include four restrooms and a storage facility, with a design providing for two additional restrooms that could be added at a later time.

Scheme 2 offers a larger canopy with cutouts, and uses two buildings rather than one. The building's design also includes four restrooms and storage, with a larger overhang and the same amenities included in Scheme 1. Once it has transitioned into the residential area, the sidewalk widens and becomes a mini-plaza on which benches and bicycle parking may be featured.

Mr. Abbate pointed out that there are several utility poles in the alley along the subject site. The eastern most pole is used to take the power underground. The recommendation is to eliminate the eastern most pole, replace the next pole, which is wood with a concrete pole and that would be the end of the existing line. Undergrounding all of the poles in the alley would be expensive, may require electrical service upgrades and would require locating areas for at ground equipment.

At this time Mayor Sasser opened public comment.

Ned Seibert, resident, advised that he was concerned with the facility's proximity to a residential area, as well as with the architectural plans for the building. He asserted that he was very disappointed with the proposal.

Dorothy Seibert, resident, pointed out that the facility would be located in an area that transitions from residential to commercial. She stated that the building would be a cement block structure and would not contribute to a positive experience of the Town.

Edmund Malkoon, resident, said his primary concern was with parking in an alleyway originally designed to provide pedestrian access to the beach. He felt this would present a safety issue, and recommended that parking be moved to another location.

Barbara Cole, resident, commented that she preferred Scheme 2, and noted that the project should tie in with other plans for El Mar Drive, including landscaping and colors.

With no other individuals wishing to comment on this Item, Mayor Sasser closed public comment.

The Commissioners discussed the presentation and comments, clarifying that the cost of moving the utility pole and undergrounding was estimated at roughly \$50,000. It was noted that parking on the site would include metered spaces for beachgoers, and that the inclusion of beach amenities such as foot washing stations could encourage a more transient use of the restroom facility than originally intended.

Mr. Abbate clarified that the proposed backout parking spaces in the alley are deeper than typical backout spaces and are horizontally aligned in order to accommodate more vehicles. It was also noted that the design reflects a reduction in the number of parking spaces on El Mar Drive, although the project was intended to maximize parking as well as provide restrooms. Mr. Abbate observed that in order to increase parking on the site,

it would be necessary to navigate around existing utility poles. He concluded that the site is not large enough to both provide restrooms and storage as well as maximize parking.

Town Manager Hoffmann commented that one of the Town's goals is to prevent the addition of more backout parking on El Mar Drive. Regarding the number of restrooms at the site, she advised that Staff had felt it was wiser to build with the future in mind and install four restrooms with additional space left over for future expansion. She added that Staff had felt Scheme 1 provided a more attractive facility.

With regard to security at the site, Broward Sheriff's Office (BSO) Captain Fred Wood advised that during the last year, all site plans and new construction within the Town have been reviewed by a member of his staff who is certified in crime prevention design. Captain Wood noted that the doorways to each individual restroom are visible from El Mar Drive, which decreases the opportunity for crime. The facility's proximity to foot traffic is also considered a deterrent.

Town Manager Hoffmann concluded that Staff required direction on the preferred site plan and building design. After further discussion, including further review of the parking plan, the Commissioners arrived at consensus on Scheme 1, design A. The Commissioners also reached consensus to remove the single utility pole at the east end of the alley.

b. Site Plan Review for 4560 El Mar Ocean Club, 4560 El Mar Drive (Linda Connors, Assistant Development Services Director / Town Planner)

Town Attorney Trevarthen explained the quasi-judicial process. Disclosures were made by the Commissioners at this time, and all members of the public wishing to speak on this Item were sworn in.

Robert Lochrie, representing the Florida Development Group, stated that Site Plan Review and approval are before the Commission for the subject property, which was purchased by the Florida Development Group in December 2013. The Applicant intends to bring a hotel use back to the property. The three existing structures on the site include several features that are not compliant with Town Code:

- 44 hotel rooms
- No view corridors to the north or south
- Setback, landscape, and open space requirements
- Parking and Americans with Disabilities Act (ADA) requirements
- Safety issues
- Drainage requirements

The new site plan reduces the overall number of rooms from 44 to 34, which represents a 23% reduction in density. The property will be brought into compliance with view

corridors and parking requirements and broken up in the center to provide a breezeway. Where backout parking previously existed, the building will be set back 25 ft. and new landscaping will exceed Code compliance. The building will be constructed in the Midcentury Modern architectural style, and will use façades and privacy walls to screen parking.

Mr. Lochrie noted that neighbors to the property raised a number of concerns regarding plans for a ground-floor restaurant and kitchen; as a result, these components were removed from the building. Guest rooms include outdoor balconies, with every unit facing the ocean. He concluded that the project conforms with all elements of Town Code, and was thoroughly reviewed by Staff. The Applicant has complied with all Staff recommendations.

Assistant Development Services Director/Town Planner Linda Connors stated that the subject property is located east of the Coastal Construction Control Line, which means it is affected by State-mandated wave crest regulations. The building's first habitable floor can be measured at about 8 ft. above street grade, which is the point from which the 33 ft. height requirement must be measured.

Assistant Development Services Director/Town Planner Connors continued that the project provides seventeen standard parking spaces, seven compact spaces, two ADA-accessible spaces, five equivalent spaces for bicycle parking, and one low-speed vehicle space. Due to the pavement setback from the rear property line, the Applicant requests an administrative adjustment of two parking spaces, which will either go before the Board of Adjustment or can be addressed administratively with a recommendation from the Board through the Town Manager.

The project's number of units and density are reduced to bring it into compliance with Code. The parking per unit ratio is increased, drainage is provided, and view corridor requirements are exceeded. The project will increase the number of high-quality hotel rooms within the Town, remove the current dilapidated buildings on the site, and satisfy the currently unresolved Code issues on the site. The Planning and Zoning Board recommended approval of the project by a 5-0 vote with the following two conditions:

1. Provision of an additional view corridor;
2. Replace the damaged native dune vegetation.

These conditions have been added to the existing Development Order, which is included in the Commissioners' backup materials. Asst. Director Connors noted that according to Code, the Applicant is allowed 18 months to secure a building permit. Other requirements discussed at the Planning and Zoning Board meeting included the provision of bicycle spaces, verification of wave crest elevation, an administrative adjustment or variance to parking Code or variance to the setback requirements, and updated plans reflecting final revisions.

At this time Mayor Sasser opened public comment.

Barbara Cole, resident, stated that she felt the project would be an improvement to the area. She added that the height issue should not be a deterrent to approval of the project.

Marc Furth, resident, advised that he lives within 300 ft. of the proposed project. He explained that his opposition was to the restaurant originally planned for the first floor of the site, and not to the hotel use. He expressed concern that the developer may continue to consider adding a restaurant use in the future.

Shelley Kutluay, representing the Coral Key Inn, stated that she sold the inn to an overseas investor who had applied for variances or adjustments for the property but was ultimately denied some of these requests. She explained that her client would like to improve the Coral Key Inn in a manner similar to the subject property.

Ned Seibert, resident, requested clarification of whether or not the property would include a restaurant.

Rick Ferrer, Broward County Historic Preservation Officer, stated that while he was not opposed to the project, one of the three buildings on the subject property was of architectural interest to the County. He provided the Commissioners with a handout including an architectural analysis of the building, suggesting that some of its features be incorporated into new construction on the site.

Edmund Malkoon, resident, distributed a handout to the Commissioners, advising that he was also concerned with the loss of the Midcentury Modern building on the subject property. He noted that the Town is under the jurisdiction of the Broward County Historic Preservation Board, and that there are incentives available to builders, including a County tax exemption, that would allow them to preserve significant architectural elements.

Cristie Furth, resident, commented that the Applicant has removed the ground floor restaurant use from consideration as part of the project, but expressed concern that it might be brought back to the project later on. She recommended that the final development order specify that no restaurant be allowed on the site, and concluded that she is supportive of the project if the restaurant use is prohibited.

George Malseed, resident, said he was concerned with demolition on the property, as his building and its amenities are located beside the project. He asked if protection against the effects of demolition will be provided.

With no other individuals wishing to speak on this Item, Mayor Sasser closed public comment.

Mr. Lochrie addressed the restaurant issue, asserting that no such use is planned for the ground, second, or third floors and the Applicant has no plans at this time to request such a use. He added that Town Ordinances restrict the demolition that can be done on the

site, and the Applicant will reach out to neighboring properties to work with them on this issue.

Assistant Development Services Director/Town Planner Connors addressed historic preservation, advising that while one building on the property is a good example of the Midcentury Modern architectural style, this building is unsafe and closed to the public. Staff has photo-documented the building and its key features, and the Applicant will provide final documentation of the structure.

The Commissioners discussed the Item, noting that some architectural features of Midcentury Modern design do not meet current Code standards for safety and would be cost-prohibitive to maintain. It was also pointed out that the three existing buildings on the subject property are derelict and present multiple safety hazards. Commissioner Dodd cautioned, however, that the hotel may include on-site uses that neighbors could find more challenging than a restaurant.

It was clarified that the project's site plan was presented by the Applicant as amended, removing the restaurant and enclosed kitchen.

Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to approve as amended. Motion carried 5-0.

6. PUBLIC COMMENTS

Barbara Cole, resident, observed that pay stations in the El Prado area should be covered by umbrellas. She added that new and old utility poles on the east side of El Mar Drive interfere with pedestrian traffic, and requested that temporary action be taken to provide a pedestrian lane in that area. Ms. Cole concluded that she hoped to see another pedestrian crossing on A1A near the Sea Ranch property.

7. PUBLIC SAFETY DISCUSSION

None.

At this time the Commission took a brief recess.

8. TOWN MANAGER REPORT

a. Town Manager Report (Connie Hoffmann, Town Manager)

Town Manager Hoffmann stated that the Drum Café will perform Downtown on Sunday, March 15 and Sunday, April 19 from 5 p.m. to 6 p.m.; Turtlefest will be held in El Prado Park on Saturday and Sunday, March 21-22, including food, entertainment, and activities for all ages; and the Community Center Play Group will present four short plays in Jarvis Hall from Wednesday, March 25 through Friday, March 28.

She concluded that BSO Deputy Jason Friedrich retired from service in February 2015. He is succeeded by new Deputy Claudia Duarte. Deputy John Melbourne also plans to retire on April 1, 2015, after 10 years of service.

9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen advised that Attorney Kathryn Mehaffey, who represents the Planning and Zoning Board and Board of Adjustment, was present at tonight's meeting.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

- a. Special Event Application from the Community Church for an Easter Sunrise Service proposed for Sunday, April 5, 2015 (Bud Bentley, Assistant Town Manager)**

Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.

Assistant Town Manager Bentley advised that if the Item is approved as written, the Community Church must pay event fees.

Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to reconsider. Motion carried 5-0.

Assistant Town Manager Bentley explained that while the Commission has waived fees for this event in the past, they have recently adopted new fees for use of the pavilion and plaza, as well as a late fee for applications.

Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to waive all fees because this is a historic event. Motion carried 5-0.

12. OLD BUSINESS

None.

13. NEW BUSINESS

- a. NEV Parking when Downtown Area is closed to traffic (Connie Hoffmann, Town Manager)**

Town Manager Hoffmann explained that the Town had received complaints about the lack of available Neighborhood Electric Vehicle (NEV) parking during Friday night events. It has been suggested that this parking could be allowed along El Mar Drive. The Commissioners discussed the Item, noting that cars are not allowed to park on El Mar Drive, with the exception of Police vehicles. It was pointed out, however, that the Town is seeking to promote NEVs and pedestrian traffic and to discourage residents from bringing their cars Downtown for events.

Commissioner Dodd and Vice Mayor Vincent disclosed that they own NEVs.

It was determined by consensus that Staff would regulate NEV parking for Friday night events on a trial basis.

14. ORDINANCES

Ordinances 1st Reading

None.

Ordinances 2nd Reading

- i. **2015-04 – An Ordinance of the Town of Lauderdale-By-The-Sea, Florida, amending Section 30-241, “RM-25 District – Apartments and Lodging,” of Division 2, “Districts,” of Article V, “Zoning,” of Chapter 30, Unified Land Development Regulations of the Code of Ordinances, to update the regulations pertaining to the activities permitted on rooftop uses currently allowed in the RM-25 District and delete obsolete provisions; and providing for codification, severability, conflicts, and an effective date (Linda Connors, Assistant Development Services Director / Town Planner)**

Town Manager Hoffmann advised that Staff was unable to provide drawings for this Item at tonight's meeting. She recommended that no adoption of the Item take place until the next regular Commission meeting.

Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to table this Item until the meeting of the 24th.

It was noted that comments from the public and the Commissioners at tonight's meeting could influence the drawings and other materials to be provided by Staff at the next meeting.

At this time Mayor Sasser opened public comment.

Ron Piersante, resident, recalled that he had also spoken in opposition to this Ordinance at the February 24, 2015 meeting. He pointed out that a developer who had already installed permanent rooftop structures had done so in violation of Town Code. He felt the proposed Ordinance would represent a major change in Town policy, and that allowing permanent structures would encourage more use of rooftops and allow the potential for noise issues.

Terrance Paterson, Sky 230, stated that he had designed the rooftop space of his development with walls in order to be as considerate to neighboring properties as possible.

With no other individuals wishing to speak on this Item, Mayor Sasser closed public comment.

Assistant Development Services Director/Town Planner Connors pointed out that the Ordinance would affect properties within the RM-25 zoning district only; there is no mention of rooftop uses within single-family zoning districts. Mayor Sasser recalled that discussion at the February 24 meeting had focused in part on removal of rooftop equipment for safety purposes: if equipment was not properly secured on a rooftop, the conditional use permit could be revoked.

Commissioner Sokolow reiterated his motion to table the Item until the March 24 meeting, at which time Staff will present drawings to accompany the discussion. Vice Mayor Vincent withdrew his second of the motion in order to bring Commissioner Brown up to date on the previous meeting's discussion of this issue, explaining that there had been discussion of the amount of square footage allowed for rooftop use.

Commissioner Dodd advised that he and Assistant Town Manager Bentley had visited one of the properties requesting rooftop use. He reiterated his concern regarding the safety of rooftop furniture or equipment left out overnight, and suggested that allowing use of up to 60% of a rooftop would be a reasonable limit. He pointed out that the sides of buildings that overlook neighboring properties are already set back 10 ft. from the structure's retaining wall, which would help preserve privacy.

Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to defer this Item until the meeting of March 24th. Motion carried 5-0.

15. RESOLUTIONS – PUBLIC COMMENTS

- a. 2015-08 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, creating a program for a Public Information Committee; providing for Committee Composition; providing terms; providing duties; providing for conflict; providing for an effective date (Don Prince, Municipal Services Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.

16. QUASI JUDICIAL PUBLIC HEARINGS

a. Sea Lord Hotel and Beach Club – Request to Extend Site Plan Development Order for three months to June 10, 2015 (Linda Connors, Assistant Development Services Director / Town Planner)

Assistant Development Services Director/Town Planner Connors stated that in December 2013, the Commission approved a Site Plan for the Sea Lord Hotel. Since that time, the Applicant has requested two extensions to their development order for a total of nine months. Code allows up to 12 months of extension time to be granted. The Applicant has been working to redesign the first floor of the property, and has taken longer than anticipated to secure a building permit for this work.

Assistant Services Director Connors/Town Planner also pointed out that while public notice was required for tonight's meeting, this notice was not sent out within the required time frame. As a result, Staff requests that the Commissioners open the public hearing on this Item and then immediately table the Item until the March 24, 2015 meeting. This will also stay the expiration of the Site Plan.

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, that this matter be continued on the date certain of March 24 so that the existing order can remain valid until the Commission has all the proper information to be able to debate the full extension of time that has been requested. Motion carried 5-0.

17. COMMISSIONER COMMENTS

Commissioner Dodd reported that he had attended a recent sea oat planting at the Surf and Yacht Club, which was funded by Florida Power and Light (FPL). FPL also provided endangered native plant species at the site. He thanked the volunteers who had participated in this project, and pointed out that FPL was also present to work on upgrades to transmission lines in the area. He requested that the Commission encourage AT&T and Comcast to give FPL the necessary permission to transfer its utility lines to new poles.

Commissioner Dodd continued that he was disappointed with discussion of a Public Art Program at the February 24 meeting, at which time the developers' contribution was lowered to 0.5% rather than 1%. He urged the Commission to work toward greater

consensus on this issue in the future, as Staff had invested significant time and money in preparing the Ordinance.

Commissioner Brown noted that two sea oat plantings have occurred within the Town in recent weeks, and that an unsightly dune was removed from the Surf and Yacht Club property. He added that he was seeking a commitment from the Town's garden club to adopt the nursery of endangered plants provided by FPL.

Vice Mayor Vincent acknowledged Commissioner Dodd's concern regarding the Public Art Program Ordinance, but did not agree that the investment of time was sufficient reason to pass the item. He also did not agree with Commissioner Dodd's characterization of 0.5% as a penalty.

Commissioner Sokolow reported that at the previous week's Florida League of Cities board meeting, the County's adoption of a program to finance energy and safety improvements for commercial properties was discussed. It is now possible for municipalities to adopt this program for residential properties. He requested that Staff and the Commission look into the possibility of participating in this program.

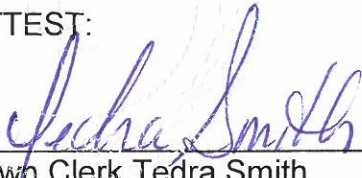
18.ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 10:05 p.m.



Vice Mayor Chris Vincent

ATTEST:



Town Clerk Tedra Smith

4/14/15
Date