

APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
MEETING MINUTES
Jarvis Hall - 4505 Ocean Drive
Wednesday, February 6, 2019

1. **CALL TO ORDER**

Chair Lanata called the Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at 6:10 PM.

2. **PLEDGE OF ALLEGIANCE TO THE FLAG**

The Pledge of Allegiance was recited.

ROLL CALL

Members present were John Lanata, William Ferrante, Jeffrey Whyte, Alan Bluestein, and 1st Alternate Howard Goldberg. The absent members were Bernard Petreccia and 2nd Alternate Emeline Savidge. Also present were Assistant Town Attorney Kathy Mehaffey, Development Services Director Linda Connors, Planner Susan Leven, Planner Jhanelle Campbell and Clerk Kaliah Lewis.

3. **APPROVAL OF MINUTES**

- a. Previous Meeting Minutes – November 14, 2018

Mr. Ferrante made a motion to approve the minutes of November 14, 2018 as presented. The motion was seconded by Mr. Bluestein. The motion carried 5-0.

4. **PUBLIC COMMENTS**

The Chair called for general public comments not specific to the agenda items now and no one wished to speak. The Chair closed public comments at this time.

5. **NEW BUSINESS**

- a. 2018-L2-SPM-06: Tropicaire Resort Site Plan Modification (Linda Connors, Development Services Director)

Development Services Director Linda Connors said that since there are two people absent, all five members in attendance tonight would be voting and that Planner Sue Leven would be giving the presentation for the Tropicaire Resort Site Plan Modification. Ms. Leven gave a PowerPoint presentation stating that this property has more units than were originally permitted which was discovered during the Building Tax Receipt (BTR) application review. Tropicaire was originally permitted for nine units over three phases (1953, 1963, and 1984). Over the course of time, without permits, this became fifteen units and she explained how it was accomplished. The proposal tonight is for twelve units (five in the northern one-story building, six in the southern one-story building, and the three bedroom apartment on the second floor would remain a three bedroom apartment). Ms. Leven informed the Board that the applicant's attorney, Dwayne Dickerson, pointed out that one of the efficiencies was left out of the Staff Report and Ms. Leven made the change. The applicant was proposing six hotel rooms without kitchens and six hotel rooms with kitchens. This is consistent with the Town's density provisions.

Ms. Leven explained that one parking space is required for each hotel room. There are eleven existing parking spaces now with no handicap parking spaces or landscaping. With the addition of a handicap parking space and landscaping on the north and south ends of the parking area, reconfiguration of the existing parking spaces was required. There would now be a mix of standard, compact, and a handicap parking space plus bicycle parking. The parking spaces would be curbed and landscaping would be at the north and south ends of the parking area. There is a credit of one parking space for every four bicycle parking spaces and they are supplying eight. She said that this agenda item would go before the Town Commission on the 26th.

Ms. Leven answered Chair Lanata that right now they are renting all fifteen units. Ms. Connors explained that they are suggesting that until the construction is done, they only rent the nine units that were properly permitted. Mr. Bluestein asked if the owners were penalized and Ms. Connors explained that they went in front of the Special Magistrate. The Special Magistrate gave them time to comply and penalties are not running yet. On page five of the Staff Report, Staff's eleven conditions for approval were listed and Ms. Connors went over them all. The buildings do not meet current setbacks but were grandfathered in since they were legally permitted at the existing setbacks prior to the existing requirements. Ms. Connors said that the applicant's attorney and architect are in attendance to answer any questions. She invited them to make a presentation, if they wish to do so. Chair Lanata opened up the public hearing portion to allow any presentation from the applicant's representatives.

Dwayne Dickerson explained that he is the attorney for the property owner. He said that this property has quite a bit of history but his client purchased it in 2016 well after any of the renovations took place. During their due diligence, they hired a consultant whose opinion was that the fifteen units were permitted. He explained about the plans they submitted for twelve units and that they are fine with all of Staff's conditions for approval except for the one that only allows them to rent the nine permitted units now. Mr. Dickerson said that they would do research to ensure there would be no life safety issues for renting out all the units now. If there are no life safety issues, then they would make a compelling case in front of the Town Commission to rent all units now. He asked the Board for any questions and to please approve this agenda item.

Chair Lanata asked about the renovations. Ms. Connors pointed out where the Board could find a copy of the plans. The applicant's architect, Dulce Conde, testified as to making one of the units ADA compliant, ensuring that the separation between the twelve final units meets the 2-hour requirement for the code for life safety for fire, and that there is adequate parking and landscaping. Attorney Dickerson said that on page two of six of the Staff Report, Table 1 reflects Permitted Conditions (9 units), Existing Conditions (15 units) and Proposed Renovations (12 units). Alan Bluestein asked if they could allow them to operate with all twelve units now instead of the nine units Staff is suggesting. Ms. Connors said that the 12 units do not meet life safety and only the originally permitted 9 units do. She answered William Ferrante that the applicant would have to supply the documentation that all the units meet life safety. Alan Bluestein asked Ms. Connors why her Staff is for this and she said that they are supportive of this because the twelve units meet code. She wanted to put on the record that when the current property owner did their due diligence, it was not Staff who provided the wrong information regarding that fifteen units were allowed. It was the current property owner's title company who gave the misinformation. They now understand that only nine units were allowed by code and now the code allows twelve units and that is why the proposed plans are for twelve units. Howard Goldberg inquired if there is litigation going on with the title company and Mr. Dickerson explained. Jeffrey Whyte was informed that the air conditioning units are individual and that to inspect for life safety, some walls and ceilings would have to be removed. William Ferrante asked if the meters are separate and

the architect was not sure. As there were no other questions and no one from the public wished to speak, the Chair closed the public hearing and called for a motion.

Mr. Whyte made a motion to recommend approval of the Tropicair Resort site plan modification to the Town Commission. The motion was seconded by Mr. Ferrante. The motion carried 4-1 (Mr. Bluestein opposed).

6. OLD BUSINESS

7. UPDATES/BOARD MEMBER COMMENTS

8. ADJOURNMENT

Mr. Ferrante made a motion to adjourn at 6:39PM. The motion was seconded by Mr. Goldberg. The motion carried 5-0.



Vice Chair William Ferrante for John Lanata

ATTEST:

Date Accepted: 2-28-19

Development Services Director Linda Connors

