

APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
MEETING MINUTES
Jarvis Hall - 4505 Ocean Drive
Wednesday, November 29, 2017

1. CALL TO ORDER

Chair John Lanata called the meeting to order at 6:00P.M. Members present were Charles Clark, Roseann Minnet, John Lanata, John Graziano, David Chanon, 1st Alternate Cari McCormack, and 2nd Alternate Paul LaCoursiere. Also present were Assistant Town Attorney Kathy Mehaffey, Development Services Director Linda Connors, and Clerk Jhanelle Campbell.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES

a. Planning and Zoning Board Meeting Minutes – October 18, 2017

Ms. Minnet made a motion to approve the minutes of October 18, 2017 as presented. The motion was seconded by Mr. Graziano. The motion carried 5-0.

4. PUBLIC COMMENTS

The Chair called for public comments but no one came forward at this time. He closed public comments and turned the meeting over to Development Services Director Linda Connors who presented the agenda item under Old Business.

5. NEW BUSINESS

6. OLD BUSINESS

a. List of Conditional Uses Recommended to be Deleted in Annexed Zoning Districts (Linda Connors, Development Services Director)

Development Services Director Linda Connors gave a history as to what transpired during recent Planning and Zoning meetings that culminated in a list of conditional uses recommended for deletion in the annexed zoning districts. She explained that Staff prepared for the Town Commission the list of conditional uses and recommendations. It was presented at the Town Commission's November 28, 2017 meeting. The list was reviewed and the Commission also provided their recommendations for deletion. She spoke about the ordinance incorporating all the language and a supplement to Unicode. In the future, all of the Town's zoning code (north and south) would be presented in Unicode. Tonight, Planning and Zoning would go through the conditional uses and make a recommendation as to whether or not they should be completely deleted or not. Then Staff would prepare the appropriate ordinance for Planning and Zoning review. She reminded the board that these zoning regulations were for Broward County as a whole (unincorporated Broward County). Ms. Connors explained that the zoning districts would be reviewed one-by-one tonight.

The first zoning districts to be reviewed were RS-4 and RS-5 with a permitted use of single-family dwelling. The seven conditional uses recommended by Staff for deletion in these two districts were read into the record by Ms. Connors.

Mr. Graziano made a motion to delete all seven of the conditional uses recommended for deletion by Staff in the RS-4 and RS-5 zoning districts. The motion was seconded by Mr. Clark. The motion carried 5-0.

The next zoning district to be reviewed was RM-15 with a permitted use of residential multi-family dwellings (3 or more units). The conditional uses recommended by Staff for deletion in this district were read into the record by Ms. Connors. There were two conditional uses that Staff wishes to remain (townhouse and temporary sales office).

Ms. Connors answered Mr. Chanon's question regarding if someone wanted to go less dense in terms of less units to the acre, why would there be an objection as a conditional use? Ms. Connors spoke about buffers and protections between the different zoning categories. We need a consistent buffer of uses from low density to higher density. Ms. Minnet commented that RM-15 (residential multi-family) butts up against Bel Air (residential single-family). Mr. Graziano wanted to know if this is the parking for the Hampton Beach Club and if so, why would we consider allowing any conditional use there? Ms. Connors explained that if the Hampton Beach Club was not there and they would develop it again, this list would be appropriate for the re-development.

Ms. Minnet made a motion to accept Staff's recommendation for the RM-15 zoning districts. The motion was seconded by Mr. Clark. The motion carried 3-2 (David Chanon and John Graziano opposed). (*Please see page 3 of these minutes regarding a re-consideration.)

The next zoning district to be reviewed was RM-16 with a permitted use of residential multi-family medium density dwellings. The permitted use is multiple-family dwelling; place of worship. The conditional uses recommended by Staff for deletion in this district were read into the record by Ms. Connors. There were seven that Staff recommended to remain (single-family dwelling, two-family dwelling, townhouse, nonprofit neighborhood social and recreational facility, family day care home, child care facility, and temporary sales office).

Mr. Graziano made a motion to accept Staff's recommendation for the RM-16 zoning district. The motion was seconded by Mr. Chanon. The motion carried 5-0.

The next zoning district to be reviewed was R-5 with a permitted use of multi-family dwelling. The conditional uses recommended by Staff for deletion in this district were read into the record by Ms. Connors. There were conditional uses that Staff recommended to remain but with Ms. Minnet's recommendations below what Planning and Zoning recommended not to delete were single-family dwelling, two-family dwelling, hotel, motel, and place of worship.

Ms. Minnet recommended eliminating "tourist home, lodging house, boarding house, villas, bungalow court" so that the deletion numbered 37 just reads hotel, motel. There was a consensus of the board for the definition of #37 just being hotel, motel.

Ms. Minnet questioned item numbered 43 which she wanted to revise the definition of "Church, and church Place of worship with or without or a parochial school incidental to a church.

Institutions of an educational, philanthropic or eleemosynary character, not operated for profit, other than penal or correctional institutions or vocational or trade schools.” She felt that this definition was too wordy and just leave it as Place of Worship or delete because we do not want to expand this use. Assistant Town Attorney Kathy Mehaffey stated that we were not expanding use because it is an existing use already. There was board consensus to leave this definition as Place of Worship.

Ms. Minnet questioned why we wanted to expand in this district and she cited for example item listed as 45, “Nursery school or child care center subject to the requirements of subsection (e)”. There was board consensus to delete this conditional use in the R-5 district.

Mr. Chanon made a motion to accept Staff's recommendations amended by Ms. Minnet's recommendations for the RM-5 zoning district. The motion was seconded by Mr. Clark. The motion carried 5-0.

The next zoning district to be reviewed was RM-25 (apartments and lodging) with a permitted use of multiple-family dwelling, hotel, motel or timeshare apartment; townhouse. The conditional uses recommended by Staff for deletion in this district were read into the record by Ms. Connors. As per Staff's recommendations to remain, Ms. Connors explained that for #60, “Nursing home, convalescent or rehabilitation home” should just remain nursing home. Family day care home, child care facility and temporary sales office should also remain.

Ms. Minnet questioned family day care home and child care facility in this district. Ms. McCormack spoke about independent, assisted and skilled care facilities. Ms. Connors stated that because the Town does not have some of these uses, an ordinance would require a definition of those conditional uses not yet existing in the Town. Ms. Mehaffey reminded the board members that since this came from the county, definitions are broad. Ms. Connors suggested bringing the definition of nursing home from the county code for the board to look at in January and also a draft of a definition of nursing home for the Town's current code. Ms. Minnet talked about in the future, if a hotel/motel could be converted into a nursing home. Mr. Chanon questioned the deletion of single-family and felt that he could go either way for ALF. Ms. Minnet said that when this comes back in January, she would think about single-family in this district. There was a comment that there were single-family homes in Hillsboro Beach mixed with condos on the beach. Ms. Connors reminded that the RM-25 district is significantly different in the historic part of Town.

The definition of Nursing Home – the county's definition - was read into the record by Ms. Connors. They talked about facilities for which the patients do not require medical care. Ms. Connors read the definition of Adult Day Care.

Mr. Chanon made a motion to accept Staff's recommendations for RM-25 containing clarity and definition of nursing home and including single-family homes in this district. The motion was seconded by Mr. Graziano. The motion carried 4-1 (Chair Lanata opposed). Chair Lanata said that he was opposed to keeping single-family in this district's code.

*Ms. Minnet requested, and there was no board objection, returning to RM-15 for re-consideration. Ms. Mehaffey said that anyone on the prevailing side could make a motion for re-consideration and anyone could second it.

Ms. Minnet made a motion for re-consideration of RM-15 zoning district. The motion was seconded by Mr. Chanon. There were no objections. Ms. Mehaffey said that the item is on and they are in discussion. Ms. Minnet stated that she agrees with Mr. Chanon about single-family. She felt that since RM-15 butts up to Bel Air, single-family dwelling should not be deleted. Her recommendation is not to delete the single-family dwelling in this district.

Ms. Minnet made a motion to accept Staff' recommendations for the RM-15 zoning district but not to delete single-family dwelling. The motion was seconded by Mr. Graziano.

For Discussion: Chair Lanata stated that this district sits on a major thoroughfare and no one would put a single-family resident there or even two-family residence. The highest or best use for that property would be condominiums. Mr. Chanon felt that as a community, we are not impaired by allowing single-family homes. Chair Lanata said that it would not hurt anything.

The motion carried 5-0.

7. UPDATES/BOARD MEMBER COMMENTS

Ms. Connors reminded that there would not be a December 2017 Planning and Zoning Board Meeting. She wished everyone Happy Holidays and said Christmas By-The-Sea would be December 6. Ms. Minnet also wished everyone Happy Holidays.

8. ADJOURNMENT

Ms. Minnet made a motion to adjourn at 6:51PM. The motion was seconded by Mr. Clark. The motion carried 5-0.


Chair John Lanata

ATTEST:

Date Accepted: 2/21/18

Development Services Director Linda Connors

