

TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
Jarvis Hall – 4505 Ocean Drive
Wednesday, November 19, 2014
6:00 P.M.

1. CALL TO ORDER

Chairman David Chanon called the meeting to order at 6:03 P.M. The Pledge of Allegiance was recited. Members present were David Chanon, Charles Clark, Roseann Minnet, first alternate Patrick Murphy and 2nd alternate Gerri Ann Capotosto. Patrick Potts and Yann Brandt were absent. Also present were Town Attorney Kathy Mehaffey, Town Planner Linda Connors, and Clerk Idalia Gutierrez.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Previously recited.

3. APPROVAL OF MINUTES – Previous Meeting Minutes for October 22, 2014.

Ms. Minnet made a motion to approve the minutes of October 22, 2014 as presented. The motion was seconded by Mr. Clark. The motion carried 5-0.

4. PUBLIC COMMENTS

The Chair opened the meeting for public comments. The members of the public wanted to speak when their case was heard. The Chair closed public comments at this time.

5. NEW BUSINESS

a. Swearing of 2nd Alternate Member – Gerri Ann Capotosto

Town Planner Linda Connors read the oath as Ms. Capotosto stood and took the oath.

b. Conditional Use Application to Operate Water Craft Sales and Rental in the B-1A Zoning District (218 E Commercial Blvd)
(Linda Connors, Town Planner/Asst. Development Services Director)

Town Planner Linda Connors said they received a Conditional Use Application from Jorge Figueroa and Pablo Papagni. The Town's Code requires water sales, craft sales, and rentals receive a conditional use application. The application is for a business called Paddleboard of Florida. Their products are non-motorized for sale and rental including kayaks, paddleboards, inflatable lounges, zayak sea sleds and personal floatation devices. They propose online rental and sale of the products. Customers would pay online or in person at the business office. The product would be delivered to the beach only via pick-up truck or street-legal cart which would park in designated public parking spaces. The product would be carried to the beach. They could also use a non-motorized light weight cart to bring the product from the store to the beach.

Clients could either return the product to the store or arrange for pickup. Watercraft sales and rentals are allowed in the B-1A Zoning District as a conditional use. Motorized watercrafts and non-motorized watercrafts are also regulated under Chapter V Beaches and Waterways. Ms. Connors read the definition of watercraft into the record. Section 5.101 of the Code establishes a watercraft prohibited zone. She read the watercraft prohibited zone definition into the record. Section 5.6 of the Code makes it unlawful for any person or persons to use or operate non-motorized watercraft within 25 feet of a bather or fisherman inside the watercraft prohibited zone. Anyone using non-motorized watercraft has to stay 25 feet away from anyone on the beach. There are no regulations on the other waterways in Town. Ms. Connors said Section 30-126 of the Town's Code of Ordinances outlines the four specific criteria for approving a Conditional Use. She explained the criteria as well as Staff's Analysis and Findings which were listed in the Staff Report. Staff is in support of watercraft sales and rentals at 218 E Commercial Blvd. and recommends approval of the conditional use with six conditions.

1. Sales and rental be limited to non-motorized products such as kayaks, paddleboards, inflatable lounges, zayak sea sleds, and personal flotation devices.
2. Outdoor repair, service, display or storage is prohibited.
3. The applicant shall provide notice of the restrictions (25 feet of a bather or fisherman inside the watercraft prohibited zone) listed in Sec. 5-6 of the Town Code on every rental and/or sale agreement.
4. No transaction, solicitation, or off-premises vending on or upon any of the sandy beaches within the Town is allowed.
5. The Applicant shall park only in designated parking spaces while delivering the products to the beach.
6. Advertising other than identification of the product shall be limited to business name, and one sign per product with four inches letter size maximum.

The applicants were present and introduced themselves. Jorge Figueroa gave a brief bio for himself and Pablo Papagni. They want to start this family business in Lauderdale-By-The-Sea. This would be a fun environment and no marine life would be in danger. Chair Chanon asked for more public comments but there were none.

Chair Chanon asked about the conditions. Mr. Figueroa said they are in agreement with the conditions. Ms. Minnet wanted to know if the paddleboard and other recreational equipment would be delivered anywhere along the beach or to a designated area. Town Planner Connors said anywhere along the beach. Ms. Minnet felt that there should be a limited area where the paddleboard and recreational equipment could be delivered. She said that most of the portals are small and some of the equipment is large. Ms. Minnet wanted to know if the delivery area would include the condos. She also expressed concern regarding liability. There are no lifeguards in the Town of Lauderdale-By-The-Sea. She said we do have a volunteer fire department that goes up and down the beach and monitor it to some degree. She was concerned about community liability for a business allowing rentals on our beach without lifeguards. She would like the Town Attorney to answer this. Ms. Minnet questioned the balance between business and the community and asked for Board Member feedback. Ms.

Minnet was asking about signage since Staff was allowing one sign per product – advertising identification. She was concerned if the signs would be posted on the beach or at the business.

Ms. Connors explained that a floatation device could have their name one time with four inches as a maximum height. This would enable them to identify that the product belongs to them. The advertising for the business would go through the normal sign code. Ms. Minnet said there may be a business that wants to rent chairs on the beach. Ms. Minnet wanted to know how we would monitor it with Code Enforcement for problems, questions, monitoring if this is working and keeping the area clean. We have to consider if there is enough Staff for Code Enforcement. Chair Chanon wanted to understand keeping which area clean and Ms. Minnet said the beach area. Chair Chanon said Staff outlined what this business could rent. He felt there should not be concern with spillover or precedent setting for a future business. Chair Chanon said he does not know how to prevent a bad operator from coming into the Town. He said we have designated access to the beach and public access to Town and anyone could bring their paddleboard on the beach. The new company has to park in designated spaces. He wanted to know from Town Attorney Kathy Mehaffey if someone rented a paddleboard elsewhere and brought it down to the Town's beach and something happened, how would that affect the Town's liability with no lifeguards present. Mr. Clark felt that he had no problem with chair rental. If another company wanted to rent other products for beach use, we would deal with it at that time. Mr. Clark felt that if we did have lifeguards that would open up other problems. We have enough notification along the beach that there are no lifeguards and people use the water and swim at their own risk. Town Attorney Kathy Mehaffey spoke about the liability. She said that the Town is protected under Florida Statute 380.276. There is no liability related to it and allowing this use did not open the Town up to additional liability. She said that the applicant would have to speak about the insurance they carry for their products. Town Planner Linda Connors asked the applicant if he currently has insurance. Jorge Figueroa said they were in contact with their insurance agent. They need to know the amount the Town required for putting the Town and the applicants in a safe position. Mr. Clark wanted to know if the Town had any requirements for insurance. Town Planner Linda Connors said that there are two cases in the Development Services sector that require insurance. One is with a sidewalk café and the other is right-of-way encroachments like awnings. In these two cases, we have specifications on insurance for \$1,000,000. It requires the insurance carrier to be B+ rated or higher. Mr. Murphy spoke about good service and wanted to know about pick-up service. Jorge Figueroa spoke about two places where they would pick up and deliver. One was at Datura and another at El Prado. That was where they have legal parking spaces. He wants to avoid the pier because it could be a liability for the Town and a risk for them. Mr. Murphy mentioned in the past, there was a liability discussion for kite boarding. Town Planner Linda Connors said there are regulations in the Code that specifically restrict heights in the Town. She would double check. Patrick Murphy feels this is a self-monitoring business because if they do not do a good job, they would be out of business. Town Planner Linda Connors said there are Code Officers who sporadically work on the weekends. They do monitor the beach when they are working. Town Planner Linda Connors said that this is a conditional use, so the Planning & Zoning Board could put a time limitation on the conditional use. We could ask them to renew their application again and the Board can review it again and set other parameters, etc. as this would be a new business in Town.

Mr. Murphy made a motion to approve the conditional use as recommend by Staff. The motion was seconded by Ms. Capotosto. The motion carried 4-1 (with Ms. Minnet voting against).

Town Planner Linda Connors said that the next Town Commission Meeting is December 9, 2014 starting at 7:00PM. She informed the applicants that the Town Commission would review the conditional use application and make a final determination.

6. OLD BUSINESS

The Chair asked for any Old Business but there wasn't any. Town Planner Linda Connors said she had a few announcements. She said that on December 8, 2014, we would have our third public meeting on A1A Greenways. She reminded the Board Members to attend, if they were available. The project was being funded through MPO and the Florida Department of Transportation and the plans would make significant improvements to El Mar Drive. The previous meeting is available to watch on the Town's website and Ms. Connors told them where it was located for viewing on the website.

The next thing she wanted to talk about was the Florida Development Group. Last night at the Town Commission Meeting, the Florida Development Group made a presentation. They purchased several properties in Lauderdale-By-The-Sea. They own the hotel at 4660 Ocean at El Mar Drive, the Holiday Inn at 4116, and the former Villa Caprice which is across the street from the Holiday Inn and Little Inn Too, Tropic Ranch. They asked for some more time on the time constraints given to them by the Town Commission for the Holiday Inn at 4116. The extensions were granted. She said that in the very near future, the Planning & Zoning Board would be viewing re-development plans for all the properties. She would expect in February, March and April this Board see site plans on all these properties. She said this would be a huge improvement to that street. Ms. Connors said the Board would also be working on updates to the Comprehensive Plan. The update to the Evaluation and Appraisal Report is due in September 2015. This Board would be busy next year.

Ms. Minnet asked if there would be a December meeting. Town Planner Connors said she did not have any applications for the December 17, 2014 meeting but she has Code revisions. Ms. Connors suggested Board Members e-mail her about their December availability. She answered Ms. Minnet's recommendation that they could cancel the December meeting and discuss Code revisions at the January 2015 meeting. Without objection, the Board Members voted 5-0 to cancel the December 17, 2014 meeting.

7. UPDATES/BOARD MEMBER COMMENTS

8. ADJOURNMENT

Ms. Minnet made a motion to adjourn at 6:36 pm. The motion was seconded by Mr. Murphy. The motion carried 5-0.

ATTEST:

Town Planner Linda Connors

Chairman David Chanon

Date Accepted: _____