

TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
Jarvis Hall – 4505 Ocean Drive
Wednesday, October 22, 2014
6:00 P.M.

1. CALL TO ORDER

Acting Chairman Patrick Potts called the meeting to order at 6:00P.M. The Pledge of Allegiance was recited. Members present were Patrick Potts, Charles Clark, and Roseann Minnet. David Chanon, Yann Brandt, first alternate Patrick Murphy and 2nd alternate Gerri Ann Capotasto 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 September 11, 2014.

Ms. Minnet made a motion to approve the minutes of September 11, 2014 as presented. The motion was seconded by Charles Clark. The motion carried 3-0.

4. PUBLIC COMMENTS

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

5. NEW BUSINESS

- a. Amendment to Sun Trust Property Paid Private Parking Development Order
(Linda Connors, Town Planner/Asst. Development Services Director)

Town Planner Linda Connors gave the history regarding this agenda item. She said the Town Commission approved a Conditional Use permit for the Sun Trust Property (221 Commercial Boulevard) on July 26, 2011. The development order allowed the applicant to operate paid private parking from the parking lot at 221 Commercial Boulevard in non-required spaces between the hours of 6:00 a.m. and 2:00 a.m. when the primary business was open. The condition allowed all of the spaces in the parking lot to be utilized for paid private parking when the primary business was closed. On May 8, 2014, they were cited for failure to adhere to the terms and conditions of the conditional use by providing parking in non-required spaces of the parking lot area. They allowed parking in the aisles and in the drive through area. They received a Notice of Violation and except for two days, the owner has been in compliance. The applicant submitted an application to expand the parking on site after the business closes to tandem-park two cars in each of the bank's four drive-through lanes. They were also requesting to park an additional fifteen cars in the drive aisles of the parking lot for a total of twenty-three additional parking spaces. Ms. Connors went over the

criteria for approving conditional use outlined in Section 30-126 of the Town's Code of Ordinances. Town Planner Connors said that she and the Fire Marshall reviewed the request. The Fire Marshall has recommended approval of only twenty-one of the twenty-three requested spaces. The Fire Marshall did not want to allow parking in two spaces in the aisle as it hinders emergency vehicles. Ms. Connors said that staff recommended approval of the conditional use amendment for twenty-one additional spaces subject to conditions which she read into the record. Town Planner Connors said that following the Board's recommendations, this application would be presented at the October 28, 2014 Town Commission meeting for final review and decision. She asked for Board questions. She answered Charles Clark's question regarding condition #3. She said that if a parking customer littered onsite or offsite, it would be up to the applicant to ensure the area is free from trash.

Pete Sorrentino, with Sun Trust Property, said they are fine with the Fire Marshall's request to eliminate two spots. The Acting Chair asked for public comments but there were none at this time. Ms. Connors answered Roseann Minnet that the additional spaces would be utilized after Sun Trust is closed. Ms. Minnet proposed to revisit this conditional use after the parking study has been implemented or reviewed. In this way, they can really ascertain if the Town implemented what the parking study has put forth. Ms. Minnet wanted to ensure that insurance was in place. She did not want the Town held liable if an emergency vehicle could not get through or if cars parked there could not get out. Mr. Sorrentino said that emergency vehicles could not fit under the drive throughs and would not have any effect either in or out. Ms. Minnet clarified that she was talking about vehicles in general being able to get in and out. Mr. Sorrentino answered Patrick Potts that there are trash receptacles and they clean up every day. Ms. Minnet said that the building is well maintained.

Ms. Minnet made a motion to accept staff's recommendation of the twenty-one parking spaces with the conditions set forth in the staff report and the one added requirement that they revisit this condition after the parking study has been implemented. The motion was seconded by Mr. Clark. The motion carried 3-0. Ms. Connors reminded that the final decision would be made at the Town Commission Meeting on Tuesday, October 28.

b. Proposed Amendments to Code Section 30-326. General Regulations
For Window Awnings and Entrance Canopies
(Linda Connors, Town Planner/ Asst. Development Services Director)

Town Planner Linda Connors said the purpose of this agenda item is to explain the proposed Ordinance 2014-17, which amends Chapter 30-326 – General regulations for window awnings and entrance canopies. The proposed Ordinance 2014-17 amends Chapter 30 and reorganizes it for clarity. She said that over the last few years, they have been reviewing the Code to update it. Regulations for awnings in the Town were established in 2002 and are located in Section 30-326 of the Town's Code. The Town has received a request from a new business, Sloan's at 112 Commercial Boulevard, for an awning that does not meet the Town's Code requirements. They want to put up a black and white awning. Our Code requires all awnings on the same lot, building or complex to utilize the same color fabric. It should also be one color on the building. The property currently has four businesses with two of them having individual awnings (Keese's and Deep Blue

Divers). Sloan's proposed awning is not the same color of either of these existing awnings (Keese's is yellow and the Deep Blue Divers is red). These existing awnings do not comply with our Code either because there is more than one color awning on the building. Staff has observed that there are some properties in Town that have one awning color for their building (4331 N Ocean Drive) and others that have multiple colored awnings (238 Commercial Boulevard). Staff believes that more flexibility in their awning regulations is appropriate and suggested proposed amendments which she read into the record. Ms. Connors said that on October 14, 2014, staff presented the draft changes to the Commission for direction. The Commission asked staff to proceed with the proposed ordinance amendment and requested this item be referred to the Planning and Zoning Board for the Board's recommendation. Then this agenda item would go in front of the Town Commission at their October 28, 2014 meeting.

The Acting Chair opened the meeting for public comment specific to awnings. David Olmo from Sloan's and Sweet Sensations had a picture for the Board and started to describe the awning. Ms. Connors reminded him that the only item under discussion was the color of the awning and in his case it would be black and white with a pink scallop. Ms. Connors clarified that only one color awning is allowed now in the Code. She said on that building there are already two awnings and each one is a different color. She explained the wording in the proposed new awning ordinance. Town Planner Connors emphasized that signage was not going to be discussed tonight. Ms. Minnet expressed that flexibility is important but we must not lose that small town atmosphere and the presence of the community that our beach town wants to be. She thought that having multiple colors is okay but more importantly is that staff has the architectural review. She felt that this all has to coordinate together to some degree. Mr. Clark completely agreed. Ms. Connors answered Mr. Potts regarding what an architectural review would entail and its process. She said that the architect would be looking at it from an aesthetic perspective and to make sure the awning was in keeping with the architectural style of the building. Town Planner Connors answered Roseann Minnet that the proposed ordinance addresses the adjacent buildings in order to be cohesive. Ms. Minnet felt there should be flexibility for colors. The review should take in design, etc. to retain our unique beach community atmosphere. Linda Connors said the proposed ordinance allowed flexibility with regulations but ensured not everything looks the same. Ms. Connors answered Mr. Clark that the architectural review did not include comments from adjacent owners. Mr. Potts raised the issue that adjacent owners could be competing businesses. Ms. Connors said the review is consistent with our daily process.

Ms. Minnet made a motion to approve proposed amendments to Code Section 30-326 as recommend by Staff. The motion was seconded by Charles Clark. The motion carried 3-0.

c. Proposed Amendments to Chapter 17 – Sidewalk Café (Signage)
(Linda Connors, Town Planner/Asst. Development Services Director)

Town Planner Linda Connors said the purpose of this agenda item was to explain the proposed Ordinance 2014-18 which amends Chapter 17 – Sidewalk café. Chapter 17 usually is not under the purview of the Planning and Zoning Board but this relates to buildings and signage. Ms. Connors said that at their October 14, 2014 meeting, the Town Commission asked to review the Town's sidewalk café signage regulations. The Commission asked Staff to draft an ordinance to contain all sidewalk café standards. The

Commission also asked Staff to review the Code with the Planning and Zoning Board for review and comment. Ms. Connors read into the record what the proposed ordinance accomplishes which includes but is not limited to organizing the sidewalk café code for clarity, amends the definition of sidewalk café and includes restaurants that do not have table service. Ms. Connors also read into the record the Town's Code in Section 17-01 (m) which regulates signage. She said that lettering may not exceed 4 inches in height. Currently, 101 Ocean and Rhino Donuts both have lettering on their umbrellas that are just the name of the building. The Town has cited other establishments that have umbrellas that do not meet the requirements of the Code. She said there is a new business in town, Sloan's Ice Cream, that would like to have their logo and signage on the proposed umbrellas and on the table tops for their sidewalk café. The proposed logo on the umbrellas and tables is not currently allowed in the sidewalk café regulations. They also exceed the four inch lettering size limit that is currently in the Code. They brought a copy of their table top to show the logo. Ms. Connors read into the record what the Town Manager said to the Town Commission last week about sidewalk cafés. Ms. Connors said that the Town's Staff did not recommend additions to the Code that reduces the Town's aesthetic standards to accommodate exactly what a new business wants. Staff has not proposed changes to the Code that regulates sidewalk café language. The Acting Chair opened the meeting for public comments. Ms. Connors said we should only talk about signage for tables and umbrellas.

David Olmo from Sloan's and Sweet Sensations said they already ordered the tables. A white tablecloth on the tables would look horrible. He said they shortened the span down to eight feet for the umbrellas. As the umbrellas were not ordered, they could take off the logo. He answered Ms. Minnet that the tables at his other locations all have logos. Ms. Minnet said it was unfortunate that he already ordered his tables with logos. Ms. Minnet was not in favor of logos on tables in this community. Mr. Olmo said that he holds himself responsible for ordering the tables that way. The tables are already delivered. Rocky Aiyash spoke on behalf of Sloan's. He said that he works for the franchisors of 22 national chains and felt that the key to success is to identify the brand, concept and identity. The logo is recognizable. He said that without franchises there will be turnover after turnover because the independent businesses will not be able to withstand the financial burden of opening a restaurant. He answered Mr. Potts that there would be less than 8 tables outside. Mr. Potts felt Lauderdale By The Sea is a great place to open an independent business and that they get supported in the Town and have been for several years. He further believed that four tables would not break the national brand. He suggested putting a sticker over the logo on the tables to comply. He felt that the Planning Board would not support a lot of signage especially since the Town just reviewed the sign code. Mr. Clark agreed with Mr. Potts and felt the quality of the product is important and not the logo on the table. Mr. Potts said that the Board was thinking about the entire Town and multiple businesses with signage. He said that an entire row of every business enforcing their name and their brand became noisy and not very pleasant and that the Board is asking that everyone be a little more subtle with their signage. He further stated that the Board had a responsibility to those existing businesses that were following the existing code. He appreciated the thought that was obviously placed in the business, but thought that they needed to make a concession to the Town to be consistent with the Town's personality. He concluded by saying that Town was trying to move away from being a carnival and instead wants to make sure that we are an upscale community where people will spend the \$6 – 8 on ice cream.

Mr. Clark mentioned that there were other brands that have made concessions to meet the aesthetics of the community, specifically referencing McDonald's. Town Planner Linda Connors explained to Mr. Olmo that the Planning and Zoning Board makes a recommendation to the Town Commission. The first reading of the regulations with the Town Commission is October 28, 2014. After the first reading, it comes back to the Town Commission in November for a second reading and that is when the decision would be final. Mr. Olmo was told he could speak to the Town Commission on Tuesday night.

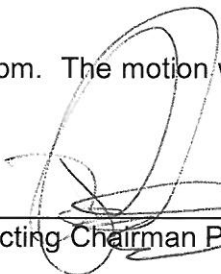
Town Planner Linda Connors discussed two amendments to the code. She reviewed line 30 because it added the definition of pedestrian path to the ordinance. She then spoke about Courtesy Notices and that language was added starting on line 142 of the ordinance. She said an owner would need signature of approval from the building owner if they want to expand their café sidewalk space in front of an adjacent building.

Line 257 was questioned by Ms. Minnet. She wanted to know if anything could be put in this proposed ordinance to address rusting furniture staining the pavement. Ms. Minnet also suggested removing rusted furniture before more damage is done. Town Planner Connors said that staff could look into that and additional language could be added to the proposed ordinance.

Mr. Clark made a motion to approve Proposed Amendments to Chapter 17 – Sidewalk Café (Signage) as recommend by Staff. The motion was seconded by Ms. Minnet. The motion carried 3-0.

6. OLD BUSINESS
7. UPDATES/BOARD MEMBER COMMENTS
8. ADJOURNMENT

Ms. Minnet made a motion to adjourn at 6:58pm. The motion was seconded by Mr. Clark. The motion carried 3-0.



Acting Chairman Patrick Potts

ATTEST:

Date Accepted: 2/18/15

Town Planner Linda Connors