

APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
MEETING MINUTES**

*Jarvis Hall - 4505 Ocean Drive
Thursday, September 20, 2018*

1. CALL TO ORDER

Chair Lanata called the meeting to order at 6:01P.M. Members present were Chair John Lanata, Vice Chair William Ferrante, Jeffrey Whyte, 1st Alternate Howard Goldberg, and Bernard Petreccia. The absent members were Alan Bluestein and 2nd Alternate Emeline Savidge. Also present were Assistant Town Attorney Kathy Mehaffey, Development Services Director Linda Connors, Planner Jhanelle Campbell and Clerk Kaliah Lewis.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES

- a. Previous Meeting Minutes – September 5, 2018

Mr. Ferrante made a motion to approve the minutes of September 5, 2018 as presented. The motion was seconded by Mr. Petreccia. The motion carried unanimously 5-0.

4. PUBLIC COMMENTS

The Chair called for general public comments not specific to the agenda items now but no one came forward. He closed public comments at this time and turned the meeting over to Development Services Director Linda Connors to present New Business.

5. NEW BUSINESS

- a. Sea Spray Inn Sign Conditional Use. (Linda Connors, Development Services Director)

Development Services Director Linda Connors said that the Sea Spray Inn is located at 4245 and 4301 El Mar Drive (two separate buildings). Last year they applied for a conditional use approval for Mid-Century Modern signage to allow the letters of the sign to be a bit larger than the code allows. The Town Commission approved a provision to allow the conditional use for signs to encourage hotels and businesses to have signs that are Mid-Century Modern, the Town's preferred architectural style. These signs are allowed to exceed code requirements. Ms. Connors pointed out to the Board that the 2017 approved sign is attached to the Staff Report (Exhibit 2). The applicant is requesting the same style of sign on the other building on their property. The proposed sign does not meet the current Town code due to the size of the lettering and the symbol and the property owner applied for a conditional use approval for Mid-Century Modern signage. Staff recommends approval of the request. If the Board agrees, this would be brought to the September 26, 2018 Town Commission Meeting. Chair Lanata asked for board questions but there were none. As no one else wished to speak or ask questions, Chair Lanata closed the public hearing.

Mr. Ferrante made a motion to approve consistent with Staff's recommendations, the proposed Sea Spray Inn Sign Conditional Use. The motion was seconded by 1st Alternate Goldberg. The motion carried unanimously 5-0.

b. Ordinance 2018-27 – Rooftop Uses. (Linda Connors, Development Services Director)

Development Services Director Linda Connors said that the Planning and Zoning Board has been working on rooftop uses at their meetings of May 16, 2018 and June 6, 2018 to review the Town's existing regulations. Currently, the use of rooftops is only allowed in the RM25 zoning district and limited to passive uses and no permanent structures except for a kitchen that is no larger than 30 square feet. Two property owners came to Commission Workshops and encouraged the Town to adopt regulations to allow activities on rooftops in RM25 and B1 zoning districts. The Town Commission directed Planning and Zoning to review the ordinances to see if they want to expand uses in the B1 zoning district and to allow permanent structures to include awnings and/or shade structures.

Ms. Connors went over the substantive changes in Ordinance 2018-27 which is Table 1 of the Staff Report. She further stated that an e-mail was received from a resident (Jay Flynn) who suggested a change to the definition of rooftop activity area in the substantive changes. She read the current definition and his suggested change into the record. To answer a board question, Ms. Connors explained the difference between the current and the suggested change to the definition of rooftop activity area and discussion ensued. She answered Mr. Petreccia regarding if the property is adjacent to a private property or to a right-of-way. She explained how this would be in the RM25 zoning district and in the B1 zoning district where most properties are built property line to property line. Privacy was discussed. Chair Lanata was in favor of a 5' setback for a rooftop deck on all four sides from the perimeter of the roof. Mr. Petreccia felt that if there is already a setback between buildings, that other than a safety area, a 5' setback on the roof was not needed. Mr. Ferrante spoke about uniformity. Mr. Goldberg spoke about the safety issue and the time element to ensure that the rooftop is not open at three in the morning. He was told that the hours of rooftop operations were 7:00AM to 10:00PM and that would be enforced. As there were no other board questions/comments, Chair Lanata opened the hearing for public comments.

David Gadsby said that the 5' setback does not affect his personal project because he has a parapet wall. The rooftop use that he uses now does not go all the way to the edge. Kim Flynn said that the setback would affect her because she is on the corner. They are looking for private space for themselves. Her concern is having to be set back from the right-of-way. Even a variance was discussed but it would require a hardship. Mr. Whyte spoke about rooftop use from an insurance and insurance claim standpoint. Chair Lanata asked about Jay Flynn's suggestion and how much of an issue in Town would it affect. Ms. Connors said that if the Board agreed with Jay Flynn's concept, she would have Staff look into his e-mail in more detail and have the lawyers look at the language that it is sufficient to meet legal requirements, etc. Discussion ensued about private property and public property.

1st Alternate Goldberg made a motion to pass this on to the Town Commission and let the verbiage be set aside by the legal team. The motion was seconded by Mr. Ferrante. The motion carried unanimously 5-0.

6. OLD BUSINESS

7. UPDATES/BOARD MEMBER COMMENTS

Development Services Director Linda Connors said that there would be a meeting on October 3, 2018 and on October 17, 2018. Chair Lanata asked for an update on the marina and Ms. Connors answered that the marina has submitted and is scheduled for the October 17, 2018 Planning and Zoning Board Meeting.

8. ADJOURNMENT

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


Chair John Lanata

ATTEST:

Date Accepted: 10/3/18

Development Services Director Linda Connors

