

TOWN OF LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING REGULAR MEETING MINUTES

Town Commission Meeting Room

Wednesday, September 19, 2012

6:30 P.M.

I. CALL TO ORDER

Chairperson Alfred Oldaker called the meeting to order at 6:30 p.m. Members present were Chairperson Alfred Oldaker, Vice Chairperson David Channon, William Brady, Avi Braverman, Patrick Murphy and first alternate Eric Yankwitt. Also present were Town Planner Linda Connors and Assistant Town Attorney Kathryn Mehaffey. Eleanor Norena, Board Clerk, was present to record the minutes of the meeting.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

III. APPROVAL OF MINUTES - Planning and Zoning Meetings of August 15, 2012

a) Planning and Zoning Meeting of August 15, 2012

Mr. Yankwitt made a motion to approve the minutes of August 15, 2012, as presented. The motion was seconded by Mr. Braverman. The motion carried 5-0.

IV. PUBLIC COMMENTS

There were no public comments.

V. TOWN PLANNER REPORT

None

VI. NEW BUSINESS

Item #1: Conditional Use – Pier – withdrawn

Item #2: Proposed Amendments to Chapter 30 to Revise and Relocate Definitions Included in the Land Development Regulations.

Town Planner Connors reviewed item #2 as illustrated in the backup. Staff recommended approval.

Mr. Brady asked if the subject definitions were standard for the practices of the Town planning; that is, were they model definitions or did Town staff create them as they came upon them.

Town Planner Connors believed both approaches were used; if there was a pre-existing model, Town staff went with it if the definition worked for the Town's specific needs.

TOWN OF LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING REGULAR MEETING MINUTES

Town Commission Meeting Room

Wednesday, September 19, 2012

6:30 P.M.

I. CALL TO ORDER

Chairperson Alfred Oldaker called the meeting to order at 6:30 p.m. Members present were Chairperson Alfred Oldaker, Vice Chairperson David Channon, William Brady, Avi Braverman, ~~Patrice~~ Murphy and first alternate Eric Yankwitt. Also present were Town Planner Linda Connors and Assistant Town Attorney Kathryn Mehaffey. Eleanor Norena, Board Clerk, was present to record the minutes of the meeting.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

III. APPROVAL OF MINUTES - Planning and Zoning Meetings of August 15, 2012

a) Planning and Zoning Meeting of August 15, 2012

Mr. Yankwitt made a motion to approve the minutes of August 15, 2012, as presented. The motion was seconded by Mr. Braverman. The motion carried 5-0.

IV. PUBLIC COMMENTS

There were no public comments.

V. TOWN PLANNER REPORT

None

VI. NEW BUSINESS

Item #1: Conditional Use – Pier – withdrawn

Item #2: Proposed Amendments to Chapter 30 to Revise and Relocate Definitions Included in the Land Development Regulations.

Town Planner Connors reviewed item #2 as illustrated in the backup. Staff recommended approval.

Mr. Brady asked if the subject definitions were standard for the practices of the Town planning; that is, were they model definitions or did Town staff create them as they came upon them.

Town Planner Connors believed both approaches were used; if there was a pre-existing model, Town staff went with it if the definition worked for the Town's specific needs.

Chairperson Oldaker observed a typographical error on page nine, line 279 where it said, "... the crown if the road ..." believing it should say, "... the crown of the road ..."

Town Planner Connors indicated she would look into the error.

Chairperson Oldaker noticed there were many things added in the backup that were not mentioned in Ms. Connors' summary, and he wondered why.

Town Planner Connors stated some of the definitions were relocated; they were underlined to indicate they were simply moved from one section and put into section 30-20. Her review focused on the substantive changes, as they were specifically altered.

Mr. Murphy asked if any of the proposed changes were designed as incentives to attract new business to the Town or make their coming to the Town easier, or were they just changes to specific verbiage.

Town Planner Connors replied the changes did not reflect any policy changes by Town staff, as they were meant to basically clean up the language of the existing Town code where it was felt necessary. No incentives were incorporated as yet, as Town staff was only working on cleaning up the code.

Vice Chairperson Channon made a motion to approve item #2 as presented. The motion was seconded by Mr. Braverman. The motion carried 5-0.

Item #3: Proposed Amendments to Chapter 30 to Implement Broward County Sunshot Grant

Town Planner Connors discussed item #3 as detailed in the backup for the implementation of a solar energy or photovoltaic system. She indicated one of the Town's Comprehensive Planning objectives was to promote smart growth type and green energy initiatives, and the implementation of the subject system was one step in helping the Town achieve that objective. Staff recommended approval.

Mr. Brady inquired if there was any request from citizens for the Town to implement the subject program or was the cost for its implementation driven by the County grant.

Town Planner Connors stated there was no cost for the Town to implement the proposed system, though there would be an application fee as with any other permitting process, and this would be worked out in the inter local agreement.

Mr. Brady queried the amount of the County grant.

Town Planner Connors was not aware of the amount, but she would find out and relay the information to the Board.

Mr. Brady questioned why the effort was concentrated only on the electric and not on solar heat for swimming pools, domestic hot water, and such uses.

Town Planner Connors believed this was a test system, so the County was starting off slow to see how it worked. To be able to approve it electronically, the County needed relatively standardized equipment, so they were going to start off with the photovoltaic system and see how well it worked. If successful, they hoped to expand.

Mr. Brady asked if there were any current restrictions on installing solar powered electric systems in the Town.

Town Planner Connors stated she was unaware of any restrictions on installing solar systems other than that required by a Town permit.

Mr. Brady commented the Town was not really changing its normal permitting process in this regard.

Town Planner Connors answered correct, the proposed change was being added as an accessory equipment to allow the County to process permits.

Vice Chairperson Channon referred to Exhibit 2 of the proposed ordinance, the top of page four, specifically section D, 76 through 80, where it spoke about height, that the system could not be more than five feet above the roof line in the instance of a flat roof. He inquired if all screening requirements remained in effect, or was the subject system exempt from having to be screened under this section of the ordinance.

Town Planner Connors indicated being uncertain of the Town's current screening requirements for such systems, but if there were any screening requirements, they had not been altered. She believed there were currently no requirements for screening solar systems in the Town's code. She would look into the matter further and relay her findings to the Board.

Vice Chairperson Channon remarked his only concern was that the Town had done many things recently to ensure, aesthetically, the Town's buildings that were visible from the right of way looked as good as possible, including window treatments on the interior. It might be good to install the subject solar systems, but he had no wish for the Town to have a profusion of rooftop antennas.

Town Planner Connors understood the concern.

Chairperson Oldaker agreed, as five feet was a considerable height; the average air conditioning or compressor on a roof was under five feet.

Mr. Braverman wished to know why a consumer would want to install a photovoltaic system on their roof, what was the benefit to them.

Town Planner Connors explained this was generally where solar panels were installed, and a photovoltaic system supplied solar powered electric energy to the home.

Mr. Braverman sought confirmation the photovoltaic system would provide solar energy to power the electrical needs in a home, asking the cost to the average homeowner to install such a system.

Town Planner Connors was unsure of the cost.

Mr. Braverman wondered if Town staff had any idea of the amount of interest in the Town for the photovoltaic system or was the goal to blanket the Town and hope that would generate interest, questioning how people would be made aware of its availability.

Town Planner Connors indicated the promotion of the system was county wide not Town wide, and she hoped the County would do some type of public information release, as the Town had not planned anything. At present, the Town did not have many people coming for solar panel requests, so it was hoped the subject system would encourage interest in solar energy systems.

Mr. Braverman referred to the letter in the backup written by Mayor Minnet that stated a point person from Town staff would be appointed to monitor the subject initiative. He wanted to know if this meant a member of Town staff's time would be spent on this matter.

Town Planner Connors responded, thus far, the amount of time she spent on the proposed County initiative was negligible.

Town Attorney Mehaffey pointed out the permitting for the photovoltaic system would be handled by the County; Town staff's involvement would be limited to the consultation and in terms of committee work in the designing and set up; Town staff was near completion of the consultation with County staff.

Mr. Murphy thought if the installation of the equipment were masked, there would be no problem, but there could be problems if someone decided to prop up a solar powered sign on it, and the Town should be prepared for such activity.

Mr. Yankwitt stated his interest lay with the permitting process, wondering if Town staff could learn anything from the County's streamline process that could be incorporated in the Town's permitting process for such uses.

Town Planner Connors felt the exciting thing about the subject rant was that the County was looking toward the future, and Town staff would keep in touch with County staff to see how their system was working. It was a little out of the box, as generally such a system required plans that were signed and sealed, and it was difficult to move forward with plans that were sealed, as sealed engineering documents were not compatible with an online system.

Mr. Braverman imagined the installation of the proposed system would be inspected, as would any other like system that required permitting, inquiring if those inspections would be performed by County or Town staff.

Town Planner Connors believed County staff would perform the inspections.

Town Attorney Mehaffey stated she was not positive as to which entity would be charged with the responsibility of the initial inspection, but the Town was not giving up its right to inspect such installations and might always inspect or reinspect any of these systems.

Chairperson Oldaker wondered if the process would lead to heartache and confusion for consumers.

Town Attorney Mehaffey responded that though she was not 100 percent sure, it did not mean the answer did not exist.

Town Planner Connors reminded the Board their purview was to look at the Chapter 30 and the additions to Chapter 30; the Town Commission was charged with reviewing the inter local agreement.

Mr. Yankwitt questioned if the Town could insert language into the grant to help address the concerns voiced by the Board, particularly with regard to the fencing or masking of the photovoltaic system, as well as preventing signs being propped up on it.

Town Planner Connors responded any issues with signs would be governed by the Town's sign code. With regard to the screening requirements, the Board could make recommendations to the Commission that a condition of its recommending approval of the subject ordinance was that Town staff add language for screening requirements, and Town staff would take the Board's recommendation to the Commission, along with information on the Town's code pertaining to screening requirements.

Mr. Brady thought the screening would be problematic, as screening normally meant creating shade, which was not beneficial for solar panels. Thus, if the Board recommended too much screening requirement, it could minimize the effectiveness of the solar panels.

Town Planner Connors concurred; the Board would, therefore, make its recommendation and conditions of approval, Town staff would conduct the necessary research, and staff might discover that the Board's inclusion of screening requirements was not effective or feasible. Town staff would then communicate the results of their investigation to the Commission along with the Board's recommendations.

Mr. Braverman said he had no idea what a photovoltaic system looked like and thought it would be helpful to have a representative from one of the companies that supplied such systems make a presentation to some Town entity in the decision-making process, so decisions as to what suited the Town could be made more effectively. His previous observations of installed solar panels was that they were flat, mostly due to their being installed on rooftops. Thus, it would be useful to see what the system looked like to some degree.

Mr. Brady commented the solar panels people often saw were only a few inches thick and laid flat on the roof, except for those that were slightly tilted to achieve an optimal angle to the sun for those roofs that were not sloped at the right pitch.

Mr. Braverman reiterated his wish to see what the photovoltaic system looked like.

Chairperson Oldaker thought the way the subject proposal was written seemed to offer the Town the opportunity to go down several different streets, and he wondered why certain issues were included, such as: tree maintenance, maintenance of the equipment, height, etc., particularly if the present status was to go through the County's streamlining process. It seemed the Board should just rely on the County's and the Town's permit process to monitor the system.

Town Planner Connors thought the reason certain informational elements were included was this was a new collaborative process between the County and the Town municipalities, so the County drafted language that was careful to indicate to the Town that the County was not trying to take over or limit the amount of maintenance that could be done on such systems. The language was to let the Town know that it still had certain responsibilities to ensure the systems ascribed to the specific code requirements of the Town for such installations.

Chairperson Oldaker felt there were other items detailed in the backup documents from the County that he was not prepared to pass judgment on; for example, how a tree grew next to a solar panel and the possibility of having to move trees around property.

Town Attorney Mehaffey noted the language in the backup was based on its being sent out countywide to every municipality participating in the program. Thus, references to such things as trees and their possible removal were part of the general guidelines of what was entailed in going through a permitting process the County was trying to streamline in order to encourage the use of photovoltaic systems. In order to do that, the Town's administration had to consider elements when reviewing a potential site to ensure the successful installation of the solar panel system. She said it should be taken as a whole, and the various aspects of the system were all in one place to create the focus on the photovoltaic system and that opportunity; she was not sure it created an entirely new set of tools with regard to permitting and maintenance.

Chairperson Oldaker continued to express concern that if the permitting process would be conducted through the County, and the Town had its specific code requirements that such uses fell under, there should be no need to highlight the particular items detailed in the backup.

Town Attorney Mehaffey replied this was due to the County implementing the Town's program; that is, though the program was countywide, its implementation in the Town was still specific even though it was coming through the countywide system.

Chairperson Oldaker thought the best way to proceed with the proposed matter was to approve it and let Town staff come back with any changes based on the concerns voiced by the Board and the results of their research into those matters, as he was still mystified as to why certain specifics were included in the language at this juncture.

Town Attorney Mehaffey commented there had to be some regulations that provided for, a) the streamlined permitting process, and b) showed some uniformity in the treatment of such structures, so they could be processed in one place. By all municipalities participating in the countywide program having these features, it allowed a uniform photovoltaic system to be designed and implemented with all the various standards detailed in the documents met.

Town Planner Connors added, by adding the tree maintenance in the removal and maintenance section, it brought to light that the County was not involved in that process, but the Town had the ability to make sure that, to the extent currently possible, it would be possible to move forward with the subject items. She thought it drew a clear line as to what the County's responsibilities were, and what were and would remain the Town's responsibilities; no requirements were being added to the Town.

Town Attorney Mehaffey said the language facilitated the Town enforcing its code guidelines for the installation and maintenance of solar systems regardless of whether it came through the countywide program or not.

Town Planner Connors concurred, stating if someone applied to remove a tree that they felt was compromising their solar system, the proposed ordinance would allow the Town's code staff to take such factors into account when reviewing an application.

Mr. Braverman asked if the Town intended to install a photovoltaic system on any of Town's facilities.

Town Planner Connors responded she was unaware of any present plans by the Town to install solar energy.

Vice Chairperson Channon felt it would be worthwhile for Town staff to investigate the screening matter further to better understand whether or not it was possible for solar power installations, particular with regard to maintaining the Town's aesthetic vision.

Mr. Brady concurred.

Town Planner Connors summarized the motion would be to approve with the recommendation that Town staff investigate if it were possible to screen photovoltaic systems.

Vice Chairperson Channon made a motion to approve item #3 as presented and with the Board recommendation as to screening. The motion was seconded by Mr. Brady. The motion carried 5-0.

VII. OLD BUSINESS

Town Planner Connors noted at the last Board meeting she mentioned looking into doing some training for the Board, which she was still exploring, as she was trying to engage participation with other communities to share the cost. She had yet to get any traction, but she was not

giving up just yet. It was likely that the training would take place in early 2013, stating the APA put together a one-day workshop for planning commissioners, and this would be a great way for the Town's Planning & Zoning administration to get some training and enable them to move forward with any items for consideration. On another note, Town Attorney Mehaffey forwarded the zoning information on the zoning practices, a copy of which she supplied to each member of the Board; the Board was urged to review the planning practices throughout the country.

VIII. BOARD MEMBER COMMENTS

Mr. Yankwitt announced he recently took over the Town's Sister City Program and some wonderful events were planned. He needed new volunteers with energy and ideas, and all were welcome to give him a call.

Town Planner Connors asked if the Town had any sister cities.

Mr. Yankwitt answered yes and stated that one was in Henley, England, and the other San Isidro, Peru. He said that it was an exciting change, as the Town's Sister City Program had withered over time, but now some volunteers and he got new energy and the program had been revitalized, and the other cities contacted him and were waiting for the Town's response.

IX. ADJOURNMENT

Town Planner Connors informed the Board in October there would be a meeting, as there was a conditional use item on the agenda for a project on Bougainvillea to convert the building into a duplex from a quad; the change required the property owner to go through the Town's conditional use process. There would also be an item pertaining to raising the Town's standards for satellite dishes and antennas to meet federal law.

There being no further business to discuss, the meeting adjourned at 7:10 p.m.



Chairman Alfred Oldaker

ATTEST:

Date Accepted: 11-7-12

Eleanor Norena, Board Secretary

