APPROVED

TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
LIVE STREAMED FROM JARVIS HALL
Monday, August 22, 2022

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chair Piersante called the in-person Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at approximately 6:04PM.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL & WELCOME

Board Clerk Megan Small called the roll and board members present in-person were Wayne Dillistin, Chair Ron Piersante, Vice Chair Howard Goldberg, 1st Alternate Denise Lambert and 2nd Alternate Karen Sylvester. The absentee board members were Brandy Whitford and Patricia Omana. Also present in person were Town Attorney James White, Development Services Director Jhanelle Campbell, and Board Clerk Megan Small.

3. APPROVAL OF MINUTES

   a. Planning & Zoning (P&Z) Meeting Minutes – July 6, 2022

Vice Chair Goldberg made a motion to approve the minutes of the P&Z Meeting of July 6, 2022 as written. The motion was seconded by Board Member Sylvester. The motion to approve the July 6, 2022 minutes as read carried 5-0.

4. PUBLIC COMMENTS

Chair Piersante clarified the procedure for a board member making a motion. No board member should make a motion until the Chair called for a motion. He then opened the meeting to the public for any comments on items not on the agenda. When an agenda item was presented, public comments regarding that item would be called for at that time. As there were no public comments for items not on the agenda, the Chair closed this portion of Public Comments.

5. NEW BUSINESS

   a. Case Number 2022-L2-AA-02: David and Debra Cohen (the Applicant) Level 2 Administrative Adjustment Request to allow encroachments into the front and rear setbacks.

Development Services Director (DSD) Campbell testified that this was a single-family home located at 4443 West Tradewinds Avenue which would be demolished and replaced by a new single-family home. The applicants' request was to allow encroachments into the front and rear setbacks. She explained about the new home's design in the RS-5 zoning district requiring two encroachments for architectural features. The requests were for a 10 inch encroachment of the required front setback of 25 feet and the other was for a 5 foot encroachment into the required rear setback of 25 feet. These requests meet the requirements for a Level 2 Administrative Adjustment and a majority of the criteria have been met. She went over all of the criteria and explained that staff sent the application to the Town's architect for review to ensure the design conformed to the Town's Mid-Century Modern standards. The only comment from the architect was the front encroachment was consistent with Mid-Century Modern but the encroachment into the rear setback should be reduced from five feet to three feet. She said staff was recommending that if the board recommended approval of this application, it would be with the condition that she read into the record to reduce the rear encroachment from five to three feet. She explained that this would go before the Town Commission on September 28, 2022. She called for board questions and reminded the board that the applicants, Mr. and Mrs. Cohen, were also here to answer any questions.

David Cohen introduced himself to the board stating that Ms. Campbell did an excellent job. He explained what they were asking for and said that they would like to go ahead with the design but had no problem reducing the rear encroachment from five feet to three feet. Vice Chair Goldberg complimented the design but asked if the architect knew what the zoning was before the home was designed. Mr. Cohen said that she brought it to their attention after the home was designed. The Vice Chair then asked Mr. Cohen if the request was changed from five feet to three feet, would it suffice and he was answered that it would. However, his wife preferred five feet and he did also. Mrs. Cohen came to the mic and said that the proposed home looked complete and beautiful the way it was designed. Board Member Dillistin said he liked the way the home was designed and thought going from five to three feet would make a difference. Mrs. Cohen agreed and said that the house next door to them was gigantic and their home would need the five feet. Board Member Dillistin then asked if the neighbors were okay with what the Cohens were doing and DSD Campbell answered that they sent out a public notice but did not get any correspondence for or against from any neighbors within 300 feet of the Cohen's home. Board Member Dillistin asked if the Town was okay with the five feet of encroachment before the Town's Architectural Consultant, Leo Hansen, wrote his comments and DSD Campbell said that she followed the architect's advice. Board Member Dillistin asked if they were allowed to recommend the five feet and she informed him that the board could recommend whatever they feel was correct. Board Member Sylvester asked if the Town's Architect approved the plan at all and DSD Campbell said he was fine with the front encroachment but spoke about a reduced rear encroachment. Board Member Sylvester wanted to know why the architect would recommend something outside of the RS-5 zoning district regulations and Ms. Campbell said it was the design that he commented about not the placement and his recommendation was to reduce the wall. Vice Chair Goldberg asked the Cohens if they were okay with the reduction and Mr. Cohen said they would agree to the reduction but would prefer staying at five feet. Chair Piersante asked the applicants about the reduction and was told by Mr. Cohen they would agree to the three feet but would prefer five feet for the architectural feature on the wall. The encroachment was only for the wall and that did not add any more square footage to the house. DSD Campbell answered Board Member Dillistin that staff would support the decision of the Town Council. The Chair called for public comments on this agenda item but no one wished to comment and this section of public comments was closed.

Board discussion: Board Member Sylvester felt that the board should follow the RS-5 regulations as written. In other words, follow the regulations in place. The architect was commenting on the design and not on the zoning district's regulations. DSD Campbell explained that the front and rear setbacks were twenty-five feet each and they were asking for two architectural features in the front to encroach ten inches and one architectural feature in the back to encroach five feet and the architect commented the five feet should be three feet.

Vice Chair Goldberg made a motion to recommend approval to the Town Commission with a modification of reducing the applicant's request for a five foot encroachment to a three foot encroachment into the rear setback and remain with the ten inch encroachment into the front setback for agenda item (2022-L2-AA-02). The motion was seconded by Board Member Dillistin. The motion to recommend approval to the Town Commission with a modification carried 3-2 (Chair Piersante and Board Member Sylvester opposed).

b. Case Number: 2022-SP-01: 4245 N Ocean, LLC (Applicant) Site Plan Approval Request for the development of a three-story 30-unit hotel (without kitchens).

Development Services Director (DSD) Campbell presented explaining that this property was currently the Dolphin Harbor Inn which consisted of three one-story buildings for a twenty-one unit hotel without kitchens. It was in the RM-25 zoning district. She explained that the previous owner applied for site plan approval in 2016 and in 2003. However, ownership has changed and both of the development orders have expired. This application was different as the applicant was asking to demolish the Dolphin Harbor Inn and to construct a new, three-story hotel with thirty units without kitchens. There was another hotel on the southern border of this property. She pointed out that on Ocean Drive, there was back out parking that would be removed with the new proposed development. The applicant indicated that all existing non-conformities would be terminated with this project. However, on the north side of the property, Datura Avenue, modifications to comply with parking setback requirements dictate maintaining an existing setback nonconformity but it would be somewhat reduced. She explained Town Code Section 30-138 (c) (1) d allowed the preservation of this nonconformity because prior to demolition, the property owner would submit and receive Town approval of a site plan depicting the replacement building. She showed the proposed site plan and said the plans were reviewed internally by staff and by the Town's consultants. She spoke about the requirements of the Code. The Future Land Use for the property was Medium High (25) Residential and the zoning was RM-25 (Apartments & Lodging). The proposed uses and density were consistent with the Future Land Use and zoning code. A citizen participation meeting was held on June 13, 2022. There was one community comment regarding moving the dumpster and the applicant explained.

DSD Campbell spoke about parking, the requirement of one parking space per unit, types of parking spaces, bicycle spaces, and FDOT's requirements and as part of the review process, architectural review was completed. She discussed landscaping with the board and that Broward Sheriff's Office (BSO) reviewed for crime prevention and approved the plans. The plans were also reviewed by the Fire Marshal and also by the Town Engineer and comments were pending to be addressed. She said that staff was recommending approval of the site plans with six conditions that she read into the record. The Town Commission's review would be on September 28, 2022. DSD Campbell requested board questions and said that the applicant's architect, Teen Woon, and the property owner were both here this evening.

Teen Woon said that DSD Campbell did a terrific job. He just wanted to highlight some of the features of the proposed development, Sea Glass Beach Place, and gave a slide presentation. He explained existing conditions versus the new site plan. He showed the existing aerial view and street level view and the aerial view and street level view of what they would have once the project was completed. He called for questions. Vice Chair Goldberg said he was the Chairman of the Chamber of Commerce and complimented Mr. Woon on this project. The south side of Town needed something like what was being proposed tonight. They did a great job. He had three questions: (1) do the thirty parking spots include parking spots for staff? Mr. Woon said that thirty was required by code and that was what they provided. (2) originally, fifteen feet of setback was requested but would compromise at fourteen feet. Mr. Woon said that at the moment we have seven feet eight inches but when the layout was redesigned, if we went to thirteen feet, we could fit all the parking in and would have reduced the nonconformity. The Vice Chair said not only could the Town use a new hotel but this was a beautification project. (3) hotel was not operating for the last few years, was a vehicular traffic study done to see how it would affect the south side of the Town? Mr. Woon answered they did not do a traffic study because it was operating as a motel and the capacity should be similar. Chair Piersante said that since the traffic would not be backing out onto A1A, that would make a big difference. Mr. Woon said that this would make it more pedestrian friendly. The Chair said it was a beautiful project, a welcome addition. As there were no other questions, the Chair called for public comments but no one wished to speak on this matter. This portion of public comments was closed. Board Member Dillistin asked DSD Campbell if there were any comments/complaints from residents and she answered that there were none. She further answered Board Member Dillistin that zoning was RM-25. He pointed out that he did like walking on the continuous sidewalk. He said that this new project was beautiful. Discussion ensued for making a motion and the Town's Consultant clarified about the size of the setback in the corner of property.

Vice Chair Goldberg made a motion to recommend approval to the Town Commission to include staff's six conditions for agenda item (2022-SP-01). The motion was seconded by Board Member Lambert. The motion to recommend approval to the Town Commission with staff's six conditions carried 5-0.

Chair Piersante wanted to make a few comments before presenting the next item. At the last meeting, a gentleman wanted to put air conditioning units and generators on the roof of the two duplexes he was constructing. The board discussed it and all five board members at the last meeting chose to ignore staff's recommendation. The board members voted to approve it. He believed that this was one time that the board should have agreed with staff. The Chair received some comments, as the Chair of the Board, that were not favorable. When this came in front of the Town Commission, they voted 5-0 to reject the request. They further asked staff for a review regarding changing the code to allow this. Staff did a survey with other municipalities and we have before us an ordinance regarding this. At that Commission Meeting, one of the commissioners made a comment that was not complimentary regarding the Planning and Zoning Board at their July meeting recommending approval of the agenda item allowing equipment on the roof. The Chair will now present the next item on the agenda.

c. <u>An Ordinance of the Town of Lauderdale-By-The Sea, Florida Amending Chapter 30 Unified Land Development Regulations, Article V Zoning, Section 30-313 General Provisions to modify regulations related to rooftop placement of equipment on any property; providing for codification, severability, conflicts, and for an effective date.</u>

Development Services Director (DSD) Campbell testified that at the July 26, 2022 Town Commission Meeting, staff was directed to review potential changes to the code regarding placement of equipment on rooftops on any property. Staff discovered that many municipalities allowed placement of mechanical equipment on rooftops. Currently, L-B-T-S prohibited plumbing and mechanical equipment and generators to be placed on the roof of any property. DSD Campbell said that the code changes proposed were before the board members and in back up. The recommendation of staff was to allow rooftop placement of plumbing and mechanical equipment and generators on any rooftop and for the Planning and Zoning Board to recommend approval of this ordinance (2022-08) to the Town Commission. The Chair called for board questions but there were none. The Chair called for public comment but no one from the public wished to speak on this matter and this portion of public comment was closed.

Board Member Lambert asked for an explanation of this agenda item as she was not in attendance at the July 6, 2022 P&Z Meeting. She was told the background thoughts as to why this had board approval. Board Member Dillistin felt that the board did the right thing given the circumstances; e.g., there was an overlay district. Also, it led to an ordinance being fast-tracked for rooftop placement of plumbing and mechanical equipment and generators.

Board Member Dillistin made a motion to recommend approval to the Town Commission of Ordinance 2022-08 (plumbing and mechanical equipment and generators on rooftops on any property). The motion was seconded by Vice Chair Goldberg. The motion to recommend approval of Ordinance 2022-08 to the Town Commission carried 5-0.

6. <u>OLD BUSINESS</u>

None

7. UPDATES/BOARD MEMBER COMMENTS

Board Member Sylvester spoke about tonight's board decision for giving an allowance outside of code for the proposed new home as there was direction given to follow code. DSD Campbell asked if she meant tonight's administrative adjustment. She did and wanted to know the board's guidelines when the agenda item was asking for something outside of code. Vice Chair Goldberg said that he tried to go with the Town's recommendation. Town Attorney White explained that if an applicant was requesting something within the scope of a variance and they met the variance criteria, it could be granted. DSD Campbell explained administrative adjustment and its criteria. Requests like these where criteria were met, could be granted. Board Member Dillistin opined that what happened at the last P&Z Meeting manifested into staff being given the directive of looking into placement of rooftop plumbing and mechanical equipment and generators on rooftops on any property and that was a good thing.

8. ADJOURNMENT

Board Member Lambert made a motion to adjourn at approximately 7:09PM. The motion was seconded by Vice Chair Goldberg. The motion to adjourn carried 5-0.

Ron Piersante

Chair Ron Piersante

ATTEST:

Date Accepted: Feb. 16 2023