

APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
LIVE STREAMED FROM JARVIS HALL
Wednesday, July 6, 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 6:06PM.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL & WELCOME

Chair Piersante explained the procedures for the meeting to run effectively and efficiently. He stressed speaking into the microphone. However, for the record, some of the video's audio was hard to hear.

Roll was not called but documented for these minutes; the board members present in-person were Wayne Dillistin, Chair Ron Piersante, Vice Chair Howard Goldberg, Patricia Omana, and 2nd Alternate Karen Sylvester. The absentee board members were Brandy Whitford and 1st Alternate Denise Lambert. Also present in person were Town Attorney James White, Development Services Director Jhanelle Campbell, Assistant Development Services Director Christopher Suneson and Board Clerk Megan Small.

3. APPROVAL OF MINUTES

a. Planning & Zoning (P&Z) Meeting Minutes – April 27, 2022

Vice Chair Goldberg made a motion to approve the minutes of the P&Z meeting of April 27, 2022 as written. The motion was seconded by Board Member Omana. The motion carried 5-0 to approve the minutes as read.

4. PUBLIC COMMENTS

Chair Piersante opened the meeting to the public for any comments. As there were no public comments, the Chair closed Public Comments.

Town Attorney White read a statement into the record regarding quasi-judicial items on the agenda. He then asked for ex-parte disclosures from the board members for the quasi-judicial agenda items 5(a), 5(b) and 5(c) but there weren't any. He spoke about swearing in those who wished to speak on the three quasi-judicial agenda items. Development Services Director Campbell administered the Oath to anyone who wished to speak (staff, five Board Members present, members of the audience, etc.). The Chair read the title for agenda item 5(a) into the record.

5. NEW BUSINESS

a. Case Number 2022-L2-SPM-02: Pursuant to the Town's Code of Ordinances (Town Code) Section 30-123, Modification of Approved Site Plan, subsection (b), the applicant has requested a Level II site plan modification to legalize a second story dwelling unit on the property.

Assistant Development Services Director (ADSD) Suneson testified that when owners apply for a building permit or a business tax receipt (BTR), etc. the Town would check that the existing number of units on the property matched what has been permitted. The property located at 4324 Seagrape Drive started as three units and became four units over time. The Town was asking the owner of the property to legalize the work done on the second story dwelling unit of the property by getting permits for the unpermitted work done and to provide a second way of egress from the second floor. They would be allowed to rent the units on the ground level once all the unpermitted work was permitted and passed inspection. They were prohibited from renting the unit on the second level until the unpermitted work was permitted and passed inspection. There also needed to be a second way to egress from the second floor. The original permitting allowed four parking spaces but with the addition of the unit on the second story, it would require six but there was no room for six. The applicant worked with the Town to process a Level 1 Administrative Adjustment to reduce the amount of the required parking spaces. Development Services Director (DSD) Campbell said that Staff was recommending approval of this request. As there were no board questions at this time, Chair Piersante opened this item up to public comments.

Ken, resident, wanted to know how Staff came up with the recommendation to waive the required number of parking spaces for this project. He said that Staff waived it for this project but an existing business was denied a similar request. For the record, DSD Campbell explained that the Administrative Adjustment did not apply to the business district in which the business Ken spoke about was denied.

Lat Cruz, manager of 4324 Seagrape Drive, testified that she lived in the upper unit from July 2017 through July 2018. All the problems encountered now were from the previous owner. The current owner thought everything was properly permitted. The owner, Eddie, may be out of state but that property was at the top of his list. He has been in compliance with everything the Town asked to do. She read a letter from Eddie to the Planning and Zoning Commission into the record.

As there were no other public comments, the Chair closed public comments and opened it up to board questions/comments. Board Member Sylvester wanted to clarify that there were four parking spaces existing now. She was answered that she was correct. Vice Chair Goldberg said that he would like to abstain from the decision making process for this agenda item due to the fact that he represented the seller of this property.

Chair Piersante wanted to know if the four units would be rented out as hotel rooms or apartments, where is everyone going to park if they have two cars, and would this be annual rentals or seasonal rentals? DSD Campbell answered that three units would be with kitchens and one would be a hotel unit. ADSD Suneson spoke about parking and said that the code required 1.5 parking spaces for each of the three units with a kitchen and 1 parking space for the hotel unit, however, they were granted a Level 1 Administrative Adjustment to reduce the amount of the required parking spaces, as previously discussed. ADSD Suneson spoke about parking within walking distance from this location. Board Member Dillistin inquired if the Town was giving them additional parking spaces from their core spaces from the B-1 District. ADSD Suneson answered that the spaces he was talking about were available "first come – first served" to anyone. Board Member Dillistin said that he did not know we had 24 hour parking spaces. ADSD Suneson responded that he never mentioned 24 hour parking. Discussion ensued about the difference between overnight and 24 hour parking. Board Member Dillistin said we did not allow overnight parking and ADSD Suneson said he was unaware of that. Board Member Sylvester then raised her hand and said that she believed there was a 2 or 3

hour limit for parking. Board Member Dillistin asked if they would have to issue a permit to allow the people to park in those spaces. DSD Campbell explained what the code allowed regarding parking in this situation. She further answered that there would be no money charged through the parking program. DSD Campbell reminded that a motion should include the six conditions from the staff report. There were no further questions/comments.

Board Member Sylvester made a motion to approve this agenda item (2022-L2-SPM-02) as presented by Staff including the six conditions from the staff report. The motion was seconded by Board Member Omana. The motion carried 4-0 to approve (Vice Chair Goldberg abstained).

- b. Case Number: 2022-V-01: Sky 360 Development LLC (the Applicant) requests a variance from Section 30-313(r)(1)a-b and Section 30-313(t)(2)b.1., 4. and 9. of the Town's Code Ordinances (the Town Code), to permit air conditioning units and generators on the roof of a duplex dwelling at 231 Shore Court.

Development Services Director (DSD) Campbell presented explaining this was a variance request for an a/c unit and a generator on the roof of a duplex located at 231 Shore Court. She stated that she would go through this twice as there were two requests (the next agenda item was for the second request) for the same equipment. The property would be in the duplex zoning district and the previously existing property was demolished. For tonight's presentation, notice was sent, the property was posted, and this was advertised according to code. To date, the Town has not received anything for or against this agenda item. A Citizen Participation Meeting was held on June 14, 2022. She explained that this variance request was for an a/c unit and a generator to be installed on each one of the duplex's roofs (221 Shore Court and 231 Shore Court). Town Code only allowed mechanical equipment and generator to be located six feet above grade and 5 feet above grade respectively. The other sections required the equipment at least 5 feet from the rear or side property lines and not on the roof. DSD Campbell went over the criteria that had to be met for a variance. She explained why Staff felt that each one of the criterion has not been met. Staff was recommending denial of both applications. The Board tonight was to make a recommendation to the Town Commission. If their recommendation was for approval, she asked that it would include Staff's conditions as outlined in the staff report. She read the conditions into the record and asked for board questions.

Board Member Sylvester wanted to know where the fuel storage tank would be. DSD Campbell answered that the a/c units and generators would be on the roof and that the applicant was here and would answer that question about storage tank. Chair Piersante wanted to know why the Town Code did not allow this on a roof and why it needed to be on the ground. She answered that it was allowed on the roof in other zoning districts. It was currently not allowed in RD-10. The Chair said that it was not a big deal to him that he could see the equipment on the condo roof near him. However, he did have issues with putting it on a duplex.

Kai Stadler, developer, introduced his colleague at the podium with him. He answered that the fuel storage would be underground and explained how he handled certain issues. He spoke about how these duplexes were annexed into an existing HOA of seventeen existing Townhomes and now four to-be built duplex halves. He wanted everyone (townhomes and duplexes) to have the same equipment to make maintenance equitable. He also spoke about how the roof equipment would be concealed from vision. Vice Chair Goldberg said that the Town did not have a requirement for generators. Mr. Stadler understood that but he wanted to give people confidence that they would have power from a quiet generator. The safest place for it would be the rooftop. Board Member Sylvester said that she recently installed a generator on the ground and she was very grateful to be able to do that. She asked the developer why

he would not put it on the ground or on a ramp. He explained that the people were not allowed on the roof and putting it there would give the people more use of the land with recreational space. Board Member Dillistin asked if these duplexes would look like the rest of the "Sky" community and he was told it would be similar for harmony and consistency. Board Member Dillistin was all for the equipment on the roof and more recreation land. He wanted to know why the Town's code was not being updated. DSD Campbell replied that they would be happy to do this if the Town Commission requested it. Board Member Dillistin then spoke about a zoning change but the developer said that passing this variance was what he was interested in tonight. As there were no other board questions/comments, the Chair called for public comments.

Ken commented that this sounded like the applicant was going up and above what was required and that this was more like a housekeeping issue. He would be happy to bring this up to the Town Commission that this should be available to everyone because this made sense. It was not subject to flooding or rising water and noise would be less of an impact on the rooftop. As there were no other comments, the Chair closed public comments. He called for board questions/comments and Board Member Sylvester said she was not ready to make a change across the board to allow this in all zoning districts but for tonight, she would support the variance requests. Town Attorney White explained that tonight was just regarding the application before the Board. There were no other comments.

Vice Chair Goldberg made a motion to recommend approval of this agenda item (2022-V-01) to the Town Commission to include the conditions read into the record by DSD Campbell from the staff report. The motion was seconded by Board Member Sylvester. The motion carried 5-0 to recommend approval to the Town Commission.

- c. Case Number: 2022-V-02: Sky 360 Development LLC (the Applicant) requests a variance from Section 30-313(r)(1)a-b and Section 30-313(t)(2)b.1., 4. and 9. of the Town's Code Ordinances (the Town Code), to permit air conditioning units and generators on the roof of a duplex dwelling at 241 Shore Court.

Development Services Director (DSD) Campbell said that this request was identical to the request just presented. She was told by the Chair that it was not necessary to go through the presentation again. The Chair asked for public comments.

A gentleman spoke without giving his name or his address and he said that passing this would set a precedent. He got clarity from Town Attorney White that even though there was no presentation this time, Staff was making the same recommendation of denial but if the Board recommended approval, there were conditions outlined in the staff report.

Vice Chair Goldberg said that as a realtor, he felt that older buildings would be sold and then upgraded and he was for this variance with conditions. There were no other comments.

Vice Chair Goldberg made a motion to recommend approval of this agenda item (2022-V-02) to the Town Commission to include the conditions read into the record by DSD Campbell from the staff report. The motion was seconded by Board Member Sylvester. The motion carried 5-0 to recommend approval to the Town Commission.

- d. An ordinance of the Town of Lauderdale-By-The-Sea, Florida amending Chapter 30, Unified Land Development Regulations, Article IV Development Permits Applications, Requirement, and Review Procedures, Section 30-114, Citizen Participation

Required, modifying the applicability of and requirements for the citizen participation requirements; and further amending Section 30139 Notice of Public Hearings to establish Notice Requirements For Citizen Public Participation Meetings; providing for codification; severability, conflicts, and further providing for an effective date.

Assistant Development Services Director (ADSD) Suneson presented this agenda item amending the Town Code of Ordinances. He spoke of revising and better delineating requirements for public participation meetings, applying the public participation requirements to variances and right-of-way vacations and exempting for signage conditional use permits. Since incorporating public participation meetings into the Town Code in October 2021, an initiative brought forth by the Town Manager, Staff learned that the deadline for noticing these public participation meetings was unclear and variance and right-of-way vacation applications did not hold public participation meetings which would now be addressed in this ordinance. It would also provide an exception for public participation meetings for signage conditional use permits. Also, the Code only required mailing the information for public participation meetings. This ordinance would add posting a sign on the property and advertising on the Town's website but to still do a mailing. He said that Staff was recommending approval of this ordinance to the Town Commission regarding these suggested changes. He called for questions.

Board Member Dillistin asked if signage conditional use permits was for business signage and ADSD Suneson answered that it applied to any signage. Board Member Sylvester was a little concerned about permanent signs but not for temporary signs like "St. Patrick's Day Sale". ADSD Suneson said that there were sign sizes and architectural standards that needed to be followed regardless of the type of signage. DSD Campbell clarified by explaining what happened if a business came in and wanted a sign that was within code or if they wanted the sign exceeding code requirements. Vice Chair Goldberg spoke about having continuity or we would look like a second rate town. Board Member Dillistin was then answered that this would still go before the Town Commission. DSD Campbell said that we were just adding public participation meetings and Board Member Dillistin said he liked the sign approval the way it is. Town Attorney White clarified that tonight was just adding public participation meetings. If there was to be a change to the sign code itself, that was a completely different ordinance. We were only dealing with public participation meetings. There were no other board comments.

Board Member Dillistin made a motion to recommend approval of this agenda item to the Town Commission but to amend it by adding a public participation meeting for signage for conditional use permits. The motion was seconded by Vice Chair Goldberg. There were no public comments. The motion carried 5-0.

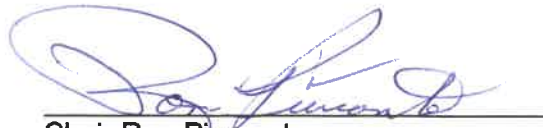
5. OLD BUSINESS N/A

6. UPDATES/BOARD MEMBER COMMENTS

Board Member Sylvester said she was unable to attend the last meeting but she watched it as best she could at home not feeling well. She thanked the Town for the really good minutes they provided which allowed her to catch up. Board Member Dillistin recognized DSD Campbell for her excellent backup.

7. ADJOURNMENT

Board Member Dillistin made a motion to adjourn at approximately 7:11PM. The motion was seconded by Board Member Sylvester. The motion carried 5-0.



Chair Ron Piersante

ATTEST:

Date Accepted: Aug. 22, 2022