

TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
Jarvis Hall – 4505 Ocean Drive
Wednesday, June 18, 2014
6:00 P.M.

1. CALL TO ORDER

Chairman David Channon called the meeting to order at 6:00 P.M. Members present were David Channon, Patrick Potts, Yann Brandt, Rose Ann Minnet, Charles Clark, and first alternate Patrick Murphy. (Mr. Murphy will not vote tonight). Second alternate David Quinones was absent. Also present were Town Attorney Kathy Mehaffey, Town Planner Linda Connors, and Clerk Idalia Gutierrez.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES – Planning and Zoning Meeting of June 11, 2014.

Chairman David Channon said that the approval of the minutes would be deferred until the next meeting.

4. PUBLIC COMMENTS - Chairman Channon opened the meeting for public comments. As there were no members of the public present, the chairman closed public comments at this time.

5. NEW BUSINESS

Amendments to Chapter 30 – Articles I, II, III, IV and IX – 3rd Meeting

The meeting was turned over to Town Planner Linda Connors. She said this was the third meeting for going over Chapter 30, Land Development Regulations. Previously, Articles I, II, and III were approved. Article IV, up to Division 7, was approved. Now we are moving forward with Division 8. She explained about headers containing location information, previously located and re-located, and that new language is underlined and old language is struck through. She started on page 1 in Exhibit 1 with Division 8 – Non Conforming Uses and Structures. She explained all the changes through page 6. She explained that a lot of the changes were for clarity and consistency. For example, we clarified between use and structure. Ms. Connors asked for questions. Mr. Brandt asked if there was a specific reason they were going through the Unified Land Development Code now. Ms. Connors explained that they started this review process before she was even employed by the Town. She explained that there are a lot of sections in the Code that were not clear. Mr. Brandt said he was concerned how these changes affect Charter implications. Specifically, those changes that center around specific zoning aspects that cannot be changed without a referendum vote. To him, it seems to go against the Charter. He would be against deleting the maximum height paragraph. Town Attorney Kathy Mehaffey said that this section was approached with a great deal of trepidation by everyone.

Ms. Mehaffey said that nothing was changed that was straight out of the Charter and nothing was changed that would in any way contradict or be in conflict with the Charter. She further stated that what was here was consistent with the Charter. They spoke about the 25% being changed to 50% for existing structures which did not contradict the Charter. They spoke about voluntary (property maintenance) and involuntary (catastrophic) repairs. Ms. Connors explained that the assessed value was broken down into a building cost and land cost. Ms. Minnet followed up on some comments. She said that reviewing the Code was a direction from the Commission. They wanted the Code to be more consistent. It was piecemeal and things repeated over and over. This would help to streamline the permit process. It would encourage re-development especially of our hotel properties. She thought this was in line with what the Commission wanted. It does not affect the height limits. This has been a long time coming and she was glad this group was charged with doing it. Our Code of Ordinances should be easily understood.

Mr. Potts made a motion to approve Chapter 30 Article IV Division 8 as recommended by Staff. The motion was seconded by Ms. Minnet. Upon discussion, Mr. Brandt asked if approval is as recommended or keeping with building heights section. Mr. Potts said as recommended. The motion carried by voice vote 4-1 with Mr. Brandt voting against.

Ms. Connors moved onto Article IV Division 9 – Zoning Relief Procedures - starting on page 7 and ending on page 8 of Exhibit 1. She said that they basically updated the procedures to make sure they follow the notice requirements and amended procedures follow quasi-judicial proceedings. She explained the rest of the changes and asked for questions. There were none.

Chair Channon made a motion to approve Chapter 30 Article IV Division 9 as amended by Staff. The motion was seconded by Mr. Clark. The motion carried by voice vote 5-0.

Ms. Connors moved onto Article IV Division 10 – Notice of Public Hearings - starting on page 9 and ending on page 13. She explained that this was made into its own division to provide greater detail, more notice throughout the development process, and adjusted notice timing consistent with the statutory notice requirements with Ordinance adoption. She explained the Notice Requirements Table starting on line 404 on page 12 of Exhibit 1. She asked for questions. Mr. Brandt wanted to know if any of the postings were shown on the website. Planner Connors said that all of the applications for Planning and Zoning Board are posted on the website prior to the meeting as backup material. Mr. Brandt suggested a digital notice board on the Town's website of what was going on. Mr. Potts required clarity as to the website. Ms. Connors said that agenda items are posted the Friday prior to the meeting but the official posting is not on the Town's website. Mr. Potts wanted to know about other municipalities and Ms. Connors answered that some do and some don't post on their website. Mr. Clark wanted to know if there was a problem putting it on the website to which Ms. Connors answered that it wasn't a problem. Mr. Clark thought it would be easier for the Town's people to see the postings everywhere. Ms. Minnet agrees with putting it on the website. As much notice as we can give the neighbors was important. She felt that people read the Pelican also. Chair Channon agrees with the posting on the website. He asked if we put this in the Code or agree that we would do our best practice. Ms. Minnet said that we could rely on Staff to put it on the website instead of having it written in the Code of Ordinances. Mr. Brandt preferred it written in the Code. It is to be added as requirement and not as policy. Town Attorney Mehaffey recommended that it be a requirement but to call it a Courtesy Notice. This is because if for some reason it does not appear on the website, it would not invalidate the notice. Ms. Connors

asked if everything that is advertised and mailed be published in the Pelican or just the items required for a published ad. Discussion ensued about a Twitter notice or just moving towards digital as some people do not read newspapers. It was decided to add a Courtesy Notice for all applications to the Website. Ms. Connors said that we would add the language regarding a Courtesy Notice for all applications on the website.

Mr. Clark made a motion to approve Chapter 30 Article IV Division 10 with the exception. The motion was seconded by Mr. Potts. The motion carried by voice vote 5-0.

Ms. Connors moved onto Article IV Division 11 – Quasi-Judicial Hearings and Proceedings - starting on page 14 and ending on page 19 (before going over the appeals process). She explained everything that was done in this division. Mr. Potts asked about the deletion of the consent agenda process. He wanted to know if there was recourse. Ms. Connors explained regarding benefits and risks. Ms. Minnet thought this was a better way to handle this process by bringing it forward instead of bringing it under consent. Ms. Connors said that if it was complicated, it would not have gone under consent. If it's smooth, there would not be any problems. Mr. Brandt wanted to know why the Town now goes first and the petitioner goes second. Ms. Connors said that generally speaking, the Commission likes to hear from the Town first. We felt that the Code should reflect current practice. Mr. Brandt wanted to know if it could be the petitioner's choice. Mr. Murphy said the petitioner should hear what the Town has to say first, so the petitioner could tailor the presentation. Ms. Minnet said that there are many practices that used to be done, that have changed. This is why we are going through this now. Doing things a different way sometimes makes better sense. Mr. Brandt understands that but just wanted to know the reason for the changes. He still feels that if it is not a big deal, then let the petitioner have the choice if the Town or the Petitioner presents first. Town Attorney Kathy Mehaffey said that it did not matter which way the language was drafted. The Commission has the flexibility to change the order of the presenters.

Mr. Clark made a motion to approve Chapter 30 Article IV Division 11 as presented by Staff. The motion was seconded by Ms. Minnet. The motion carried by voice vote 5-0.

Ms. Connors continued with the appeals from administrative decisions from Article IV Division 11 starting on page 20 and ending on page 22. She said that the Board of Adjustment was the final decision maker on all administrative decision appeal applications. She felt that this should be changed to Town Commission. It should be Article IV Division 12 – Appeals. She explained the deleted language and the added language about the detail process for the appeal in general. Mr. Clark noted that on line 704 letter (g) should really be letter (f) and then fix the subsequent lettering. Ms. Connors asked for questions but there were none.

Ms. Minnet made a motion to approve Chapter 30 Article IV Division 12-Appeals as presented by Staff. The motion was seconded by Mr. Potts. The motion carried by voice vote 5-0.

Ms. Connors said that when we went through definitions at the first meeting, language was moved from Chapter 30 to Chapter 1 under General Provisions. This is on Exhibit 2. She said that these three pages were for informational purposes because generally we do not have to review Chapter 1. She explained all the changes in Chapter 1 that relate to Chapter 30. Mr. Brandt asked if Acting Town Manager is a process outlined in the Code or Commission appointed title. Ms. Connors would have to check on that but thinks the Town Manager appoints. Ms. Minnet said that Ms. Connors is correct. Whenever the Town Manager leaves, she would send notification to all the Commissioners who would be the Acting Town Manager in

her absence. Mr. Brandt thought that the wording “his or her designee” should be stricken from the Code. Ms. Connors explained that in the Code, it means the Town Manager is naming someone to do the decision making. Mr. Potts thought that eliminating the designee would stop the business of the Town. Mr. Brandt was concerned that on any given document, you don’t know if it was the Town Manager or the Town Manager’s Designee’s decision. Mr. Brandt does not want to delete the appointed Acting Town Manager. He just does not want his or her designee in the definition. We know the process for the Town Manager to appoint an Acting Town Manager. Mr. Brandt wants to know the process for appointing the designee. Ms. Mehaffey said that it is related to the assignment of work. This is geared towards the Town Manager having the authority to designate someone to draft a memo or planning evaluation for her. Mr. Brandt disagrees with this because the Town Manager could have anyone write a memo but who signs it is the question. Also, who stands behind the memo? He wanted to know if the Town Manager could have the Town Clerk sign all the checks for the Town on any given day. Ms. Minnet said that it is in the scope of the Town Manager’s responsibility to make sure she is going to appoint. Mr. Brandt said that he would like to make a motion accepting all the definitions as recommended but deleting his or her designee from all the definitions. Town Attorney Kathy Mehaffey said that this is just an informational item but all comments would be reflected in the minutes that would go to the Town Commission. This is an informational item outside of the jurisdiction of the Planning and Zoning Board. Staff thought it was important to show you where the definitions were moved. Mr. Murphy said that within these definitions and Code, what is the role of the Planning and Zoning Board. We are not here to interpret. We are here to provide recommendations based upon what is presented to us. Ms. Mehaffey said she would pull the Code Section that speaks of the Planning and Zoning Board’s duties. Ms. Connors explained that they relocated the requirements and roles of the Planning and Zoning Board. She read the requirements and roles directly into the record. It was reiterated that the definitions were informative and did not have to be voted on tonight.

Ms. Connors said that this concludes the proposed changes to Chapter 30 Articles I, II, III, IV and IX. Ms. Connors said that she erroneously called Appeals Division 12 but Appeals is really Article IX.

6. OLD BUSINESS

After the last meeting, Ms. Minnet said that under the final decision making authority, she would like to make the recommendation that it should be the Town Manager and not the DSD (Development Services Director). After reviewing it, she thought it should be the role of the Town Manager. She would like everyone to reconsider this. It is on page 40 from the previous meeting. Ms. Connors said that page 40 is the Development Review Chart. Ms. Connors said they would go through the language where the DSD was proposed to be the final decision making authority and change it back to Town Manager. They would bring this back to the Board at the July meeting. Chair Channon asked Ms. Connors her thoughts. She said that the Town Manager would usually ask the DSD to make the analysis and draft the letter. If it makes the community more comfortable with the Town Manager as the signatory of the letter, she has no problem with that. Mr. Potts said that the DSD is staff’s review and the Town Manager would be the approver. Ms. Minnet said it was a matter of policy and a recommendation from this Board.

Ms. Minnet made a motion to change the DSD to the Town Manager as the final decision making authority. The motion was seconded by Chair Channon. The motion carried by voice vote 5-0.

Ms. Minnet wanted to talk about setbacks. She previously spoke to the Town Attorney and to Ms. Connors. She feels that if there is an existing structure with no changes, then it should only go before the Board of Adjustment. However, if it is a new structure, even if it is a one-foot setback, it should go before both the Board of Adjustment and the Town Commission. She just wants to make the policy stricter for new structures. Chair Channon asked how often this request happens. Ms. Connors said that since we approved the administrative procedure, one went to the Commission and staff has not had any yet. This puts a heavier burden on re-development but Ms. Minnet said we need a stricter policy. There would probably not be too many of these requests. Setback decisions are important and Mr. Brandt agrees with Ms. Minnet.

Ms. Minnet made a motion that administrative adjustment threshold be changed so that existing structures with no changes could go before the Board of Adjustment but a new structure, regardless of the size of the setback, should go before both the Board of Adjustment and the Town Commission. The motion was seconded by Mr. Brandt. The motion carried by voice vote 4-1 with David Channon voting against.

7. UPDATES/BOARD MEMBER COMMENTS

Ms. Connors said that we would have a meeting on July 16th. We are hoping to have a Comprehensive Plan Amendment to the text and also some updates to the Site Plan Requirements. We reviewed the Procedures recently. Mr. Brandt said that he would not be at the July meeting and requested an excused absence.

Ms. Minnet reminded everyone of the fun activities for July 4th.

8. ADJOURNMENT

Ms. Minnet made a motion to adjourn. The motion was seconded by Chair Channon. The motion carried 5-0. The meeting was adjourned at 7:12 P.M.

Chairman David Channon

ATTEST:

Date Accepted: _____

Town Planner Linda Connors
