

**APPROVED**  
**TOWN OF LAUDERDALE-BY-THE SEA**  
**PLANNING AND ZONING BOARD**  
**MEETING MINUTES**  
*Jarvis Hall - 4505 Ocean Drive*  
*Wednesday, June 5, 2019*

**1. CALL TO ORDER**

Chair Lanata called the Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at 6:00 PM.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

The Pledge of Allegiance was recited.

**ROLL CALL**

Members present were John Lanata, William Ferrante, Jeffrey Whyte, Bernard Petreccia, 1<sup>st</sup> Alternate Howard Goldberg and Alan Bluestein. Second Alternate Emeline Savidge was the only absent member. Also present were Town Attorney James White, Development Services Director Linda Connors, Planner Jhanelle Campbell, and Clerk Kaliah Lewis.

**3. APPROVAL OF MINUTES**

- a. Previous Meeting Minutes – April 18, 2019

Mr. Petreccia made a motion to approve the minutes of April 18, 2019 as presented. The motion was seconded by Mr. Ferrante. The motion carried 5-0.

**4. PUBLIC COMMENTS**

Chair Lanata called for general public comments now which are not specific to the items on the agenda but no one wished to speak. The Chair closed public comments at this time.

**5. NEW BUSINESS**

- a. Ordinance 2019-05: Amending Chapter 30 "Unified Land Development Regulations," Article V "Zoning," Section 30-313 "General Provisions" to modify regulations concerning chain link fences and deleting zero lot line regulations concerning maximum privacy fence and wall height requirements.

Planner Jhanelle Campbell stated that Section 30-313 (d)(1)(i) of the Town Code regulates walls and fences within the Town. It was adopted prior to annexation of the properties north of Pine Avenue addressing only the properties south of Pine Avenue. In 2018, the Town incorporated the existing zoning regulations of the annexation areas into the Town Code, which included adding several additional residential zoning districts (RM-50, PUD, RM-15, RM-16, RS-5, and RS-4). She explained where this ordinance would take out zoning districts (RS-5, RD-10, and RM-25) and would replace it with the word "residentially" zoned property. This way, the Town could cover all the residential zoning districts within the Town and all the areas in the northern section would be covered. However, the chain link fences in the northern section of Town would become legal, non-conforming. The Board's decision this evening is to determine if they should be legal, non-conforming and when replacement is necessary, if they would have to come up to current Code Standards or the Town could give them a specific time period to come

into the current Code Standards which does not permit chain link fences. The Town was recommending two years as a time period.

The other change the Town would like to make with this ordinance is to eliminate the language for zero lot line lots. Ms. Campbell explained that this language was brought over from County Regulations when the annexed code was brought over into the Town Code. This language does not apply to any lots within our Town and that is the reason for the deletion.

Development Services Director Linda Connors asked the Board for questions and Chair Lanata wanted to know how many fences were involved. Ms. Connors answered about two dozen. She explained how using the wording "residentially zoned districts" would eliminate any confusion. She clarified the timeframe factor regarding chain link fences and that the request is not to get rid of chain link fences but rather for them not to be visible. They could either landscape in front of the chain link fence or replace chain link with a solid fence. Mr. Ferrante wanted to know about the timeframe and Ms. Connors said that it was up to the Board but Staff's recommendation was two years to landscape in front of an existing chain link fence. Mr. Ferrante inquired about legalities and Town Attorney James White said that he would be reluctant to suggest anything quicker than two years which should be legally sufficient to stand up to a challenge. Chair Lanata expressed concern about two years because Florida does have hurricanes that could knock down fences. Ms. Connors said that the Town was not requiring that the fence is replaced, only to landscape in front of it so it is not visible from the Town's right-of-way. The Town was not expecting a very tall hedge to be planted but was just ensuring the intent to landscape was there and would give the property owner time for the hedge to grow. Mr. Ferrante agrees with the Town's recommendations that two years would be a sufficient amount of time to get rid of the chain link fences or landscape in front of them. The Chair called for public comments but there were none and the public hearing was closed.

Mr. Ferrante made a motion to recommend approval to the Town Commission of Ordinance 2019-05 with Staff's recommendations. The motion was seconded by Mr. Petreccia. The motion carried 5-0.

Ms. Connors explained that this would go to the Town Commission on June 25, 2019. The Town would contact the neighborhood associations up there so that they are aware that this ordinance was moving forward.

## 6. OLD BUSINESS

### Review of Town's Land Development Code Regulations Regarding Hotel Uses

Clerk Kaliah Lewis reminded that since Chair Lanata has recused himself for this agenda item, that 1<sup>st</sup> Alternate Howard Goldberg would be voting on this item. Development Services Director Linda Connors said that at the February 26, 2019 Meeting, the Town Commission directed the Planning and Zoning Board to review and evaluate the Town's Business Zoning Regulations and determine whether or not a hotel use would be something that the Town should consider adding to their list of permitted uses in the Town's business zoning districts (B-1 and B1-A). Currently hotels/motels are allowed only in the RM-25 zoning district.

To make this a little easier to understand, she gave a brief history starting in 2011 when the Town Commission set a number of Planning Priorities. One priority was to strengthen the hotel district which was important because the community was recognizing the relationship between a healthy tourist economy and the economic success of the business community. She explained about the losses of hotel rooms for the construction of the Oriana Condominium and Villas By

The Sea. During this time period, the Town Commission invested \$7.5 million in the Commercial Boulevard Streetscape program and worked towards making this Town a destination by improving the commercial corridor. It proved successful but unfortunately, the western commercial districts are not enjoying similar success. This year, the Town's marketing department would be developing a program so that the west business district would be recognized as its own destination.

Ms. Connors said that the new owner of the marina approached Town Staff and the Town Commission with the idea of developing a small hotel on the marina site. The B-1 zoning district does not allow for hotels and this is why we are here tonight. The Town Commission asked Staff in February to bring a proposal to the Planning and Zoning Board to see if the Board would recommend adding hotels to the B-1 use. She explained to the Board what Staff discussed and their analysis of such subjects as, but not limited to, is the change consistent with the Comprehensive Plan, should hotels be a permitted use or a conditional use, how to preserve commercial uses in the district, parking requirements, rooftop uses, etc. She went over Staff's analysis which is documented in Staff's Report dated May 29, 2019. Staff believes that if a hotel would be allowed in a commercial district, it should be limited as it is easy to add a use but difficult to take it away once it was added. Thought was given to being conservative and allowing the use only for waterfront properties. From the map that was passed out, it was shown that waterfront properties were fairly limited and Ms. Connors reminded the Board that hotels were allowed in the RM-25 zoning district.

Ms. Connors explained that if a hotel/motel was to be considered in the B-1 zoning district, it would be a good idea to try it out in the waterfront area. Later on, adjustments could be made to the Town Code for non-waterfront areas. Thoughts were given to allow 30% of the total building's square footage to continue to be commercial use on the ground floor of the hotel. This would support walkability and interaction between the public and the hotel. She spoke about hotel parking and that 60% of the hotel parking would be provided onsite with the Town controlling where any overflow parking is going. She spoke about a swimming pool as an expanded rooftop use for hotel use. Ms. Connors asked the Board for their questions.

Mr. Petreccia asked about parking requirements and usage. He wondered how many people are coming into Town without a car and using taxis, etc. He wanted to know this relationship to the parking requirement. Discussion ensued and Ms. Connors explained changing the Town Code to include some flexibility allowing hotels to provide bicycle parking, etc. Staff will look further into this as well as surrounding area's parking requirements. Mr. Goldberg spoke about being consistent with the Town's Plan. He felt that we need hotel rooms and the basin is a strategic location. Chair Lanata expressed parking concerns and asked if there is an accommodation for commercial parking. Ms. Connors explained that tonight is for the Board to think about if they want a hotel on that site and if so, then a plan would be submitted by the developer.

Ms. Connors answered Mr. Goldberg that Staff believes the plan to add a hotel in the B-1 zoning district is consistent with the Town's Comprehensive Plan. Chair Lanata felt that the Town has to come up with the right criteria and would like to know if the building on Seagrape and Basin has to be included in this. Ms. Connors answered that it is on the water and would be hard to carve that property out. Mr. Goldberg said that there is another building on the opposite side of the basin purchased by a different owner. Town Attorney James White said that it would have to be looked into and explained what could be done. Mr. Petreccia questioned hotel employee parking and that one-hundred twenty square feet units are small.

He felt the developer or the property owner should be responsible for hotel employee parking. Mr. Whyte inquired about who owns Benihana's parking lot.

Ms. Connors suggested breaking down today's discussion into pieces. (1) should a hotel be allowed in the B-1 zoning district and the consensus vote showed agreement so (2) should the hotel be a conditional use and the consensus vote was in favor of conditional use. Chair Lanata said in his opinion, they need to be given the right to build a hotel in the B-1 zoning district without conditional use. Ms. Connors explained how conditional use would work in this situation (e.g., turning loud music off at a certain time, etc.). Mr. Goldberg felt that they should make a motion now to move ahead with a hotel in B-1 and do the further steps individually. After discussion, the consensus was for hotel in B-1 as a conditional use. Ms. Connors then said (3) to limit the commercial use or require a percentage of commercial use on the ground floor to have interaction with the public in place. Mr. Goldberg felt that the developer should use the space to make the hotel better. Mr. Ferrante felt that if he was the developer, he would be happy to meet the requirements of the Town and the ground floor should have additional uses. Mr. Goldberg said that the western plazas are suffering and he would hope the hotel would draw people to the plazas. Mr. Bluestein wanted to know how large the hotel would be and Ms. Connors explained.

Ms. Connors summarized that the recommendation would be for a hotel in the B-1 zoning district as a conditional use. Now should a hotel be for waterfront property or in the whole B-1 area. The consensus vote was for waterfront property. The next recommendation would be for carving out the two properties on either side of the basin and not including them even though they are waterfront properties. Ms. Connors said to look at Exhibit 2, line 107 (Ordinance 2019-07), allowing for relief via side and rear setbacks if a hotel is beside a residential property. The consensus vote for carving out the two properties on water needed a roll call. Chair Lanata explained why he suggested carving out the two properties. The consensus was not to carve them out with 4 in favor and Mr. Bluestein's abstaining. Discussion ensued about room size not being any smaller than one-hundred twenty-feet. Both Mr. Ferrante and Mr. Petreccia wanted to know the average size hotel room built today and discussion ensued. The consensus was for a minimum of 120 square foot unit. The final issue to consider is a swimming pool as an allowed use for a hotel on the roof. Town Attorney White explained passive recreational rooftop uses would not be allowed in the B-1 district. However, in B-1 as a conditional use, rooftop uses would allow for a pool. Attorney White explained the distinction between the two ordinances in the packet. Mr. Goldberg was answered that the existing height regulation is thirty-three feet and the pool has to be on the same level. Ms. Connors said the height is protected in the Charter. Discussion ensued about hours of use and Ms. Connors directed the Board's attention to that part of the ordinance for rooftop activity area and suggested adding language reflective of a conditional use. A roll call for the consensus vote for allowing a rooftop pool as part of a hotel showed everyone was in favor. A consensus roll call vote for a 30% commercial use should be required for the ground level showed everyone in favor.

Ms. Connors asked if there was any public comment. Ross Tannenbaum, one of the new owners of the marina property being discussed this evening, said he appreciates the support given and would come back with a plan. He spoke about parking and having 60% of the hotel parking in the design laid out now. As no one else wished to speak, the Chair closed the public hearing.

Ms. Connors summarized the Board's unanimous consensus voting and recommendations:

Allow hotel with conditional use in the B-1 zoning district for waterfront properties

Require 30% commercial use on the ground floor

Allow rooftop pools with conditions

Add language to the hours of operation that state "or as regulated as a conditional use"

Allow a minimum of 120 square feet for a hotel unit

Allow setbacks consistent with the adjacent zoning district

Do not allow carving out of the two waterfront properties on either side of the basin spoken about in the meeting (this wasn't a unanimous decision because Mr. Bluestein abstained)

Mr. Ferrante made a motion to recommend allowing a hotel as a conditional use in the B-1 zoning district for waterfront properties to the Town Commission plus other amendments listed above for Ordinance 2019-07. The motion was seconded by Mr. Bluestein. The motion carried 5-0.

Ms. Connors said that this would be brought to the Town Commission on June 11, 2019.

7. UPDATES/BOARD MEMBER COMMENTS

Ms. Connors said the next Planning and Zoning Meeting would be July 10, 2019.

8. ADJOURNMENT

Mr. Petreccia made a motion to adjourn at 7:10PM. The motion was seconded by Mr. Ferrante. The motion carried 5-0.

  
Chair John Lanata

Date Accepted: 9/11/19

ATTEST:

Development Services Director Linda Connors

  
Linda Connors