

TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
Jarvis Hall – 4505 Ocean Drive
Wednesday, May 21, 2014
6:00 P.M.

1. CALL TO ORDER

Chairman David Channon called the meeting to order at 6:06 P.M. Members present were David Channon, Patrick Potts, Rose Ann Minnet, and Charles Clark. Member Yann Brandt and First Alternate Patrick Murphy were 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 April 23, 2014.

Ms. Minnet made a motion to approve the minutes of April 23, 2014 as presented. The motion was seconded by Mr. Potts. The motion carried by voice vote 4-0.

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

5. NEW BUSINESS

Amendments to Chapter 30 – Articles I, II, II, IV and IX

Town Planner Linda Connors explained that they were working on revising the code over the last two and one-half years to make it more easily understood. They would delete any duplication and re-organize it. They already worked on certain sections of the zoning code starting with the sign code. Now they were working at the beginning of the chapter. She explained the documents in the Board packet. They had a document for what was existing and a document for what was proposed. She went over the changes with the Board Members starting with Article I Section 30-1. Ms. Minnet questioned if this addresses the new buildings such as new townhouses built in the community. Town Planner Linda Connors said that duplexes would be a separate issue to be brought back to the Board after this is finished. Ms. Connors answered that townhouses were already defined in the Board documents. If it was not, then they would talk about it. Ms. Minnet asked about Sober Houses and Ms. Connors said they were considered community residential facilities. The definition for townhouse was in the code on line 312 in the proposed document. Chair Channon inquired about the definition of trafficway and Ms. Connors explained the hierarchical order of streets and explained the difference in definitions. They finished discussing Article I Division 1. Discussion ensued about approving the different articles. Mr. Clark suggested voting on the articles separately as they went through the document.

Ms. Minnet made a motion to approve Article I Division 1 as recommended by Staff. The motion was seconded by Mr. Potts. The motion carried by voice vote 4-0.

Town Planner Linda Connors went next to Article I Division 2. Subsections 1 and 2 were explained by Town Attorney Kathy Mehaffey as new text to comply with the new State Law. She said it is a codified safety harbor because these are the procedures followed for public comment on regular agenda and non-agenda action at your Board Meeting. Ms. Minnet questioned if other municipalities allow for the applicant to choose the option of waiving the hearing of their application by the Board if there is no quorum established. They could opt to allow the Town Commission to hear the application at their next meeting after proper meeting notice. Town Planner Linda Connors explained. Ms. Minnet was fine with it. Ms. Connors answered that there is no wording for the Audit Committee because they have nothing to do with it. They finished discussing Article I Division 2.

Mr. Potts made a motion to approve Article I Division 2 as recommended by Staff. The motion was seconded by Mr. Clark. The motion carried by voice vote 4-0.

Town Planner Linda Connors went next to Article II Division 1. She said this is fairly new code. There were very few changes and she explained them.

Ms. Minnet made a motion to approve Article II Division 1 as recommended by Staff. The motion was seconded by Mr. Channon. The motion carried by voice vote 4-0.

Town Planner Linda Connors went next to Article II Division 2. Ms. Connors explained that there are some site plan standards that need updating. We want to make sure that our specific view and vision of our Town are consistent with the requirements of the code for development. Mr. Potts said that on page 26, line 1001, it reads Division 2. Development Review Requirements and then it goes to standards. Ms. Connors said he was correct as there was only one section in that division and to include that correction in the motion.

Chair Channon made a motion to approve Article II Division 2 as recommended by Staff with one amendment that the only section should read: Section 30-71. Development Review Requirements. The motion was seconded by Mr. Potts. The motion carried by voice vote 4-0.

Town Planner Linda Connors went next to Article III Division 3. Changes to the reference was made so that it is consistent.

Mr. Potts made a motion to approve Article III Division 3 as recommended by Staff. The motion was seconded by Chairman Channon. The motion carried by voice vote 4-0.

Town Planner Linda Connors said that on page 34, Article III was reserved. Sections 30-101 – 30-110 reserved.

Mr. Potts made a motion to approve Article III as recommended by Staff. The motion was seconded by Ms. Minnet. The motion carried by voice vote 4-0.

Town Planner Linda Connors went next to Article IV. She explained what was done for the huge overhaul to this area because the code was confusing and difficult to follow. Town Attorney Kathy Mehaffey clarified that the procedures did not change as to how things are

categorized and processed. Chairman Channon wanted to know where Class I Administrative Adjustment was located. Town Planner Linda Connors referred him to page 79 in the proposed new document. Ms. Connors explained this is an adjustment of one foot to the setback requirement or in parking up to three spaces or 10% of minimum parking requirement, whichever is greater. She also asked the Board to go back to page 37 line 1435 for more discussion regarding Class I Administrative Adjustment. Discussion ensued and language was added to page 37 line 1417 to be read: DSD may require a site plan and/or survey. Discussion ensued about when an application is considered dead. Town Planner Linda Connors explained why the Town had to have a timeframe for consideration for withdrawal of an application. She answered that the applicant did not get any money back when the application was considered withdrawn. Ms. Connors explained that sometimes in the past, the applicant would get their money back minus any costs to the Town. She said she would make a note to look at the Fee Section and add something to that.

Town Planner Linda Connors spoke about the Development Review Chart starting on line 1487 in the new, proposed document. She discussed the new items added to the chart. She said that there were never clear standards for notice. She suggested a posting of the notice on the property which was on a different table. Ms. Minnet felt this was a good idea so that people know what's going on, especially in the residential areas. They discussed Administrative Adjustments Class 1 and Class 2. Ms. Connors explained that advertising is required in some circumstances and that in some circumstances a letter mailed to property owners within 300 feet is also required. She discussed the updated language for the Agency Review and the elimination of department details. Ms. Connors said that language was updated because of a new State law. Town Attorney Kathy Mehaffey explained that the law states you cannot delay an application because of a State or Federal review. These reviews become a condition of the application. Ms. Connors talked about the language that was added and deleted in requests for written comments. She spoke about the language clarified in the waiver of agency review. She explained why the wording was deleted for committee review. She read the language added starting on line 1552 for the development review report and explained why it was added. Next they discussed applications for level 1 review which is administrative approval. She explained the wording added for the additional layer for level 1 administrative review. She went on to level 2 which is Town Commission approval. She explained the added, deleted and relocated language in this area. She explained the tweaked language in the development order starting on line 1688. This ended Article IV Division 1.

Mr. Potts made a motion to approve Article IV Division 1 with the recommendations, suggestions, amendments of Staff and fixing scrivener's errors.

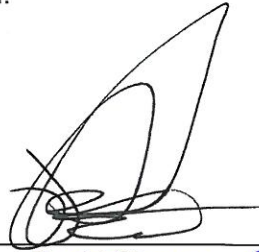
Upon discussion, Town Attorney Kathy Mehaffey said that on line 1417, new language (and/or suvey) was to be added to the end of the sentence. It should now read: ...DSD may require a site plan and/or survey. Ms. Mehaffey reminded the Board that Staff would look at the Fee Section. Ms. Connors reminded the Board that there were some tweaks with class and level which could be called scrivener's errors that needed to be fixed. Ms. Mehaffey clarified that Division 9 would be a generic reference to Section 138 and Section 138 would be Division 9 for consistency. Use of class 1 and class 2 terminology would be consistent throughout the document as level 1 and level 2. Underlining would be added to show any new language.

The motion was seconded by Mr. Clark. The motion carried by voice vote 4-0.

Town Planner Linda Connors said that they are halfway through the document. The next scheduled Planning and Zoning Meeting is on June 18, 2014. She explained what may be on the agenda for that day. Ms. Connors would check to see if Jarvis Hall was available for June 11, 2014 to continue where the Board left off this evening with the amendments to Chapter 30 – Articles I, II, II, IV and IX.

6. OLD BUSINESS
7. HANDOUTS
8. UPDATES/BOARD MEMBER COMMENTS
9. ADJOURNMENT

Ms. Minnet made a motion to adjourn. The motion was seconded by Patrick Potts. The motion carried 4-0. The meeting was adjourned at 8:10 P.M.



Vice – ~~Chairman David Channon~~ Patrick Potts

ATTEST:

Date Accepted: 6-11-2014

Town Planner Linda Connors

Linda Connors