

APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD
MEETING MINUTES
Jarvis Hall - 4505 Ocean Drive
Wednesday, May 16, 2018

1. CALL TO ORDER

Chair Lanata called the meeting to order at 6:00P.M. Members present were John Lanata, Cari McCormack, William Ferrante, Helene Wetherington, Jeffrey Whyte, 1st Alternate Alan Bluestein and 2nd Alternate Bernard Petreccia. There were no absent members. Also present were Assistant Town Attorney Kathy Mehaffey, Development Services Director Linda Connors, Planner Susan Levin, Planner Jhanelle Campbell and Clerk Kaliah Lewis who is the newest Town employee and Ms. Connors introduced her to the board members. Ms. Connors explained that since all the board members are in attendance, the two alternates can participate in discussions but cannot participate in motions and cannot vote.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES

a. Previous Meeting Minutes – May 2, 2018

Mr. Whyte made a motion to approve the minutes of May 2, 2018 as presented. The motion was seconded by Ms. Wetherington. The motion carried 5-0.

4. PUBLIC COMMENTS

The Chair called for public comments but no one came forward at this time. He closed public comments and turned the meeting over to Planner Susan Levin to continue with the training process with tonight's subject of "Site Plans". Without objection, it was decided to hear Roof Top Uses first.

5. NEW BUSINESS

a. Site Plan Introduction (Susan Levin, Planner)

This was heard after the next agenda item, Review of Roof Top Uses, was heard. Ms. Levin gave a PowerPoint presentation. She started out by stating that site plans allow you to see how a property functions as a whole. You are able to see setbacks, parking, adjacent land uses, etc. You can see if all the code requirements have been addressed. She explained what has to go through site plan review and about modifying a site plan. She explained how to read site plans. Ms. Connors said that the next meeting is June 6th.

6. OLD BUSINESS

a. Town Regulations – Review of Roof Top Uses (Linda Connors, Development Services Director).

Development Services Director Linda Connors explained that the Town has a permissive code. This means that if it is in the Code, it is permitted but if it is not in the Code, it is not permitted. As the Town has regulations regarding rooftop uses as an accessory use in our RM-25 zoning district (residential multi-family) only, she explained some of the restrictions. Since there have been requests for rooftop uses in the commercial district, the Town Commission asked if the Planning and Zoning Board could review the existing code and determine if the code should be revised to allow rooftop uses in the B-1 (commercial) zoning district and to determine if permanent structures should be allowed on the roof in the RM-25 zoning district. The Code currently allows 30% for non-transient uses. The Board would have to consider whether the area permitted for permanent structures should be expanded above 30% and whether transient uses should also be permitted to have permanent structures. Since there have been some requests for rooftop uses in the single-family and duplex zoning districts, Staff is suggesting that the Board discuss whether or not rooftop uses are appropriate in these areas of Town as well..

The Chair opened public comment now and Dave Gatsby, owner and operator of Beachside Village Resort, testified. He said that before he bought the property, one of the buildings already had a rooftop deck which the guests really like. However, in the middle of the day, it gets very hot and he requested to put up an awning for shade. He could put up an umbrella or multiple umbrellas or a temporary pop-up 10' x10' umbrella but he was concerned about the dangers of a gust of wind blowing an unsecured umbrella into streets or traffic. He would like to bolt a 28' x 18' umbrella down so there would be shade and it won't become a flying danger.

Ron Piersante spoke next and gave his reasons why this should not be considered in a residential area. He stated that he did not have concerns about what Mr. Gatsby spoke about for the business area. Ms. Connors asked him to clarify what he meant by a residential area and he said he meant single-family and duplex area. As there were no other members of the public who wished to speak, public comments were closed. The Chair turned it over to the Board for discussion.

Mr. Ferrante asked about retractable awnings and permanent in place awnings. He said that retractable awnings now automatically go in during gusts of winds. Ms. Connors explained that this is a policy decision not necessarily planning, so she has not suggested anything. She just wants the Board's thoughts. Chair Lanata stated that he felt rooftop decks in residential areas or even if it just abuts a residential area are horrible. He feels there is no enforcement for what goes on up there plus the noise cannot be regulated. He is okay with Mr. Gatsby's request for a permanent awning. Ms. Connors asked Mr. Lanata to clarify because Mr. Gatsby's request is for the hotel district which is in residential zoning (RM-25). She passed around the Town's zoning map.

Ms. McCormack has mixed feelings because music would play and it could get loud. Also, she wondered about selectively picking out in which area of RM-25 it would be allowed. Ms. Connors gave examples as to how the Code could be written. Mr. Petreccia spoke about what we want in the Town, safety, and property values. Ms. Wetherington thinks the economic benefits to the Town of a rooftop deck are important to consider. She strongly favors this but understands concerns. Ms. McCormack understands the interest in rooftop decks but the loud music every night until 10:00PM and safety factors must be considered. Ms. Connors explained about building standards, parking standards, etc. She clarified for Chair Lanata that if rooftop decks were rescinded in the Code, Sky 230 would be grandfathered in but new construction would not be allowed rooftop uses. To help this process along, Ms. Connors asked a series of questions.

In the RM-25 zoning district (where hotels and multi-family buildings are located) do you want to follow the suggestion of rescinding rooftop uses in this area?

Mr. Whyte wanted to know if this has to be done by zone or by use. Ms. Mehaffey explained that distinctions could be made broadly by (1) zoning district or by (2) use. It could also be as a combination of things like hotels in the RM-25 zoning district or just by (3) location (e.g., RM-25 east of El Mar). Primary distinctions are zoning district, use, and location. Ms. Connors said there are regulations in RM-25 that restrict transient use one way or non-transient use another way and distinguishing factors were discussed. Discussion ensued about Mr. Gatsby's request for a permanent structure for his transient use (hotel) and why a variance would not work. Ms. Mehaffey said that you cannot grant a variance for something this is specifically prohibited and a permanent structure in his situation was strictly prohibited under the Code. Mr. Petreccia asked about setbacks and Ms. Connors explained the setback code for rooftop uses. Mr. Whyte suggested fire rescue comments. He spoke about liability, insurance, wear and tear of a roof, physical barriers (demarcation between the actual roof top area allowed to be used and the other area of the roof which could contain mechanical equipment), etc. Mr. Ferrante asked how other municipalities handle this situation. Ms. Connors said that for the original rooftop use discussions, other municipalities were studied and she could pull the Staff Report which contains that information (e.g., roof top uses solutions and zoning requirements). Ms. Mehaffey explained some of the different areas of review that go into this. Ms. Connors answered Ms. McCormack with examples of permanent (a pool) and non-permanent (an umbrella). Chair Lanata has a problem with people coming in and building townhouses adjacent to residential areas. Ms. Connors suggested a motion for the duplex or single-family (in the yellow zoning area on the zoning map).

Chair Lanata made a motion that no rooftop deck should be allowed in the duplex or residential area (in the yellow zoning area on the zoning map). The motion was seconded by Mr. Ferrante. The motion carried 3-2 (Ms. McCormack and Ms. Wetherington opposed).

Ms. Connors asked about commercial zoning districts (along Commercial Boulevard). It is the red area on the zoning map. She talked about mixed-use (commercial on the ground floor and residential on second). The first question is whether or not to increase the rooftop use area to allow mixed-use properties to have a rooftop deck.

Ms. Wetherington made a motion to increase the rooftop use area for all use in the commercial zoning district (in the red zoning area on the zoning map). The motion died for a lack of a second.

Chair Lanata made a motion that no rooftop deck should be allowed in the commercially zoned districts (in the red and pink zoning areas on the zoning map). The motion was seconded by Mr. Ferrante.

For Discussion: Mr. Ferrante asked about allowing for mixed-use but not abutting a single-family residential structure. Ms. Mehaffey answered Mr. Petreccia's variance question by answering that it could not be pursued if the Board did not vote for a rooftop deck. You cannot grant a variance for something that is not an allowed use.

The motion carried 3-2 (Ms. McCormack and Ms. Wetherington opposed)

Ms. McCormack made a motion to allow a rooftop deck in business districts with time restrictions from A-1-A east to the ocean fronting on Commercial Boulevard and is not a

mixed-use building--just strictly commercial. The motion was seconded by Ms. Wetherington.

For Discussion: Mr. Whyte was answered that some buildings in that area have apartments upstairs. Mr. Petreccia was also answered about buildings with apartments in them. The motion failed 2-3 (Mr. Ferrante, Chair Lanata, and Mr. Whyte opposed).

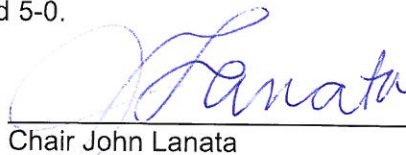
Ms. Connors suggested discussing residential multi-family now. This would be in the RM-25 zoning district. This allows hotels and multi-family with restriction between transient and non-transient. This is the district that Mr. Gatsby requested a permanent structure on the rooftop. Discussion ensued about wording of motions and the need for more guidance before making the motion. Ms. Connors suggested that she and Ms. Mehaffey would put a table/grid together of rooftop uses and/or preferences so the board members could check what they like and what they don't like. She suggested that the board members look around Town and around other communities. She would send out in advance the Staff Report done in January when rooftop uses were originally discussed plus background information provided from other communities. This will be brought back to the next Planning and Zoning Board Meeting. Without objection, it was decided to table this and to direct Staff to do more research and bring it back to the next meeting before a Board decision is made.

Ms. Connors said that Ms. Levin would now give her presentation on Site Plans (see page 1 of these minutes 5-a) which is timely because the Board has a site plan application to review at the next meeting. As there were a lot of new board members, she introduced Town Planner Levin to the Board.

7. UPDATES/BOARD MEMBER COMMENTS

8. ADJOURNMENT

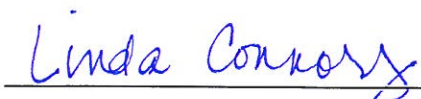
Ms. Wetherington made a motion to adjourn at 7:20PM. The motion was seconded by Ms. McCormack. The motion carried 5-0.


Chair John Lanata

ATTEST:

Date Accepted: 6/6/18

Development Services Director Linda Connors


Linda Connors