

TOWN OF LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING REGULAR MEETING MINUTES

Town Commission Meeting Room

Wednesday, April 20, 2011

6:30 P.M.

Due to the absences of Chairman Oldaker and Vice Chair Yann Brandt at the last meeting, a motion was made to re-appoint the Chairman of the Board.

Mr. Wick made a motion, seconded by Yann Brandt, for the board to revert back to Alfred Oldaker that was elected as the Chairman of the Planning and Zoning Board. All voted in favor of the motion.

Chairman Oldaker said staff was advised that Board Members Ben Freeny, George Hunsaker, and Alternate Eric Yankwitt would not be attending the meeting. It was the board's consensus to excuse the absences of Mr. Freeny, Mr. Hunsaker and Mr. Yankwitt..

I. CALL TO ORDER

Chairman Oldaker called the meeting to order at 6:30 P.M. Members present were Chairman Alfred Oldaker, Vice Chair Yann Brandt, and Lawrence Wick. Also present were Jeff Bowman, Development Services Zoning Official and Town Attorney Kathryn Mehaffey. Board Secretary Colleen Tyrrell was present to record the minutes of the meeting.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. APPROVAL OF MINUTES - Planning and Zoning Meeting of March 16, 2011

There being no additions, deletions or changes to the minutes, all voted in favor to approve the March 16, 2011, minutes as presented.

IV. PUBLIC COMMENTS

There were no public comments.

V. NEW BUSINESS

Item #1: Town's Planning & Land Development Regulations & Recommendations

Review analysis of the Town's Planning & Land Development Regulations & recommendations for further action by Planner Cecilia Ward.

Chairman Oldaker asked Cecilia Ward to proceed with her presentation.

Planner Cecilia Ward introduced herself and said that she is a member of the American Institute of Certified Planners which is a national organization that recognizes professional planning principles. Ms. Ward said that she was President of a private consulting firm, JC Consulting, Inc. and proceeded with providing the board with some background so they would know why the Town Manager and Assistant Town Manager had requested that she do this analysis for the Town. Ms. Ward said that her planning career started back in the 1970's and that she completed the first Comprehensive Plan prepared in the State of Florida for the Town of Davie. In the 1980's she got a good handle on comprehensive planning and growth management legislation because her job was to help represent the private developer in working with the local government to make sure that their planning and zoning legislations not only met the law but to help encourage quality redevelopment. She was then hired by the City of Fort Lauderdale. Ms. Ward said that anything that she presents to the board would not be unique to the Town of Lauderdale-By-The-Sea and at some point the planning and zoning regulations for all communities are not in sync. Ms.

Ward said it was just a matter of knowing what needed to be addressed, and then through the Town's policies, move forward to address those issues. Ms. Ward said that when Fort Lauderdale hired her as a senior planner back in 1995, their comprehensive plan was ten years out of date and they were faced with sanctions with the State of Florida for not updating the plan. That is when they brought in consultants to update the plan. From there, Ms. Ward was hired by the City of New York to evaluate their strategic planning objectives which was totally different planning but they still had comprehensive planning to a degree. Ms. Ward said that she did a lot of vision planning and community planning and then she opened her own firm in 2006 and was pulled back to Florida to help with projects here. Ms. Ward said that a lot of her analysis comes from a good understanding over a very long period of time with an appreciation for difficulties both from the development side and what they are looking for to help to be attracted to this community and to protect the residents as well as support and encourage redevelopment and economic development.

Ms. Ward moved on to the power point presentation. Ms. Ward said that the Town asked her to look at several things; to review the Town's planning and zoning documents; identify challenges and opportunities; and development recommendations. The work product included very specifically looking at the Town's Comprehensive Plan, the Zoning and Land Development Regulations which is referred to as the Unified Land Development Regulations, the Master Plan that was approved in 2004, the Town Charter and the changes that occurred in 2006 that do relate to land development; also a Master Plan status report done by Walter Keller in 2010 and also the Goodkin Marketing Study. Mr. Ward said that obviously she needed to do a field review of the community and the surrounding properties, do interviews with Town staff and Town attorney. Ms. Ward said that she researched industry standards because she wanted to see what was out there that was comparable to the size and sort of beach front tourist area that is here in the Town of Lauderdale-By-The-Sea. She prepared a report providing recommendations. Ms. Ward said that the purpose of her presentation was just to give the highlights of her study and that the board was provided in their backup material a 15 page document titled "Comparative Analysis of the Town of Lauderdale-By-The-Sea Planning & Land Development Regulations".

Ms. Ward said that she started with the Comprehensive Plan. Ms. Ward said the State of Florida requires by law that every local government prepare and adopt a Comprehensive Plan (State Statutes Part 2 163). More important than that, is that all of the Town's land development regulations which is the zoning code and everything that relates to that, must be consistent with the plan and it must implement the plan. Ms. Ward said this was very important because when the State passed its first Comprehensive Planning Act in 1975, they did so because everyone that came to Florida on vacation loved the area and there was this influx of population and growth and there was no planning going on. There was a water shortage as a result of all of the redevelopment and also because of some environmental conditions, the State said that there needed to be a better plan on how the area was going to address this growth and then required the Comprehensive Plan. Local governments still had their zoning regulations and land development regulations, so the State thought they would develop a plan and everyone would follow the criteria. It took ten years and in 1985 the State said that they wanted the local governments to pass this comprehensive plan, then their land development and zoning regulations would not only be consistent but would implement the plan. So, the basis for all of the Town's zoning code and regulations that are used for development is derived from the Comprehensive Plan. The plan acts as a policy in the decision making process and it should be written in a way so that you can turn to it in all cases when any type of development scenario arises. The Comprehensive Plan helps in planning capital improvements and provides a legal basis for zoning and land development regulations should someone come in and want to do something that is not provided for in the plan. The plan really helps establish the future land use map that creates the framework for how future development would occur within the Town.

Ms. Ward said that there were two sections of the Town's Comprehensive Plan. The first is the data inventory and analysis and land use needs. This is the technical, number crunching, showing what exists in the community and then trying to determine what is needed based on that data. Ms. Ward said that this part has not been adopted but is considered the most significant part of the Town's Comprehensive Plan because it's the foundation upon which the adopted section is created. So if the land use needs analysis is not done correctly or if the data inventory is not correct, it would make the other elements of the plan shaky. There are certain elements that are required by the State such as housing, transportation and infrastructure. Ms. Ward said that the Town's plan has something in addition which is an Economic Development Element that is not required by the State and would be an optional element. Ms. Ward said that this was a good element for this area that perhaps is somewhat tourist driven to make sure that the Town's economic development planning is very clearly expressed.

Ms. Ward said that there are three overriding guiding principles that she found in the plan that describes the overall essence of the Town's Comprehensive Plan and it is from these principles that she has done an evaluation of the Town's Land Development Regulations, the Zoning Regulations, the Master Plan and she has come up with some recommendations that she would discuss further.

First, discourage the conversion of tourist units to condominiums. Ms. Ward said that this was obvious and that the Town should make sure that they maintain the tourism development that related to several points. For example, you have an RM25 zoning area and in the RM25 zoning district, several types of usage are allowed (single family homes, duplexes, apartments and motels). As a result of this mixed use, this could actually and potentially encourage redevelopment of property in that area for residential use. This, could to a degree, not follow along with this guiding principle and that she would give some recommendations on how to address that.

Second, encourage quality commercial development along Commercial Boulevard. Ms. Ward said that the Town should continue to find ways in their code to make sure the Town has the incentives and the measures to keep up with the market trends that keep up with ways that continues to reestablish that area as the Town's commercial quarter.

Third, protecting its single-family neighborhoods. This is a critical element because the Town has a year-round residential community as well so some of the measures suggested would be made through the Town's Land Development Regulations. For example, maybe having neighborhood compatibility provisions so that if you have a single family dwelling next to a non-residential use such as a commercial business, you want to make sure there is some protection.

Ms. Ward moved on to the Master Plan that was done in 2004. She said that she was to look at the Master Plan in light of its relationship to the Comprehensive Plan as the legal document and the Land Development Regulations as the implementing tool. Ms. Ward said that the Master Plan has not been implemented to a degree in either of those documents. What that means is that even though the Town may have a Master Plan after you are finished with the analysis through the Master Plan Committee, unless those provisions are either added to the Comprehensive Plan and/or the zoning regulations or the Land Development Regulations, it has no legal weight and it would be just a book that sits on a shelf. So, some of the recommendations Ms. Ward would be making would be to make sure that once the Town is done with the analysis, would be to add those goals, objective and policies in the Master Plan that the Town likes to the Comprehensive Plan and then add those Land Development Regulations to the land development code or it would not be implementable.

With regard to the Land Development Regulations, just looking as some of the key points in the zoning code (referred to as that for simplification), it does not fully address all of the goals, objectives and policies of the plan and the guiding principles of the plan. Ms. Ward referred to her previous example of the RM25 multiple uses. So, that could potentially not be consistent with that guiding principle about preserving the Town's tourism. It is also structured in a format call "Pyramidal" zoning. What that means is that you get this piled on list of different uses that may not necessarily be compatible with each other.

Ms. Ward said that the zoning code also makes it difficult to a degree to renovate or redevelop an existing hotel/motel building. The code states that if you start to renovate and exceed a certain value or percentage of area, you would lose your grandfathering. Ms. Ward said that in a community that has hotels and motels that are older and to encourage them to redevelop, they do not want to deal with the fact that they may have parking or landscaping that does not meet today's standards. It is not to say that we would want to encourage a lesser standard of parking or landscaping but we would want to encourage these older hotels and motels to be able to improve, upgrade and maintain themselves over time so that they are not torn down and redeveloped and possibly overturned into residential uses. Ms. Ward said that there were incentives to helping them resolve those parking, landscaping, setbacks or whatever other issues there would be that they would not comply with.

Ms. Ward said that there was one provision that was incorporated in the Master Plan and the zoning code requiring a Mediterranean style of architecture. Ms. Ward said that she was aware that the Town had an architectural study done recently and that it was her sense when driving through Town, that there was a Miami modern architectural style that exists and it is unique to this community and it is a way of preserving an existing character of the community. Whereas the Mediterranean style is not something that has been developed over time and Ms. Ward would talk further on how to deal with that architectural required style and if it would be appropriate for the Town.

Ms. Ward moved to the Land Development Regulations and said that they also lack some zoning tools that may be needed to help stimulate redevelopment. For example, mixed use development that maybe incurs a different type of mixture of live/work units that could possibly be appropriate for Commercial Boulevard. This is something that is being used in many communities that have this main street type of concept and wants to bring in this type of attractive commercial use that is unique to the area and yet does not totally change the commercial character of the area. Again, Ms. Ward mentioned enhancing the Town's tourist accommodations perhaps through incentives for hotels and motels and further protecting the residential areas for compatibility. Ms. Ward said that the Land Development Regulations with the building height limitations, rezoning and use limitations were less than what is in the 2006 Town Charter.

Ms. Ward gave an example: Some of the height limits in the Town's commercial zoning districts are less than what is permitted by the Town Charter. In essence, the zoning regulations are more restrictive that what the Town Charter allows for height. Ms. Ward said that the Town may want to look at that as a way to incentivize certain kinds of redevelopment in the commercial area and Commercial Boulevard as long as it is not abutting a single family home or on key intersections of Commercial Boulevard. Ms. Ward said that it was only another story so it would be up to 44 feet and did not feel that the Town should limit itself if it could still be consistent with the Charter and address that.

Ms. Ward said that she would go through the recommendations to give the board a little more detail. The recommendations were categorized into six main topics and that the intent of the recommendations were to preserve, enhance, improve and incentivize the Town's hotel/motel building stock and tourist industry.

Ms. Ward said she wanted the Town to look at how it could be more incentivized instead of being restrictive. One idea would be to allow renovations without the loss of non-conforming status but also to include a fast-track permit review. This is done in many communities as a way to encourage those property owners to redevelop. Also, to revising the regulations to discourage the residential uses in Town that you

would want to preserve and promote more hotel/motel development. Ms. Ward said that if you want to do residential in this area, it could be done but it would be a conditional use which basically may not be an appropriate type of use in all locations in that particular area and would have to meet certain criteria and standards and the applicant would have to demonstrate it would work at that location. So a single family home between two hotels may not be the right location whereas a single family home as a buffer next to a duplex and then a multi-family is appropriate.

Ms. Ward said to reduce the hotel and motel off-street parking requirements and couple that with alternative modes of transportation. This could be another way to incentivize them to renovate and also to make sure to not create a parking problem while doing that. A smart-growth tool would be for several hotel/motels to work together to provide a shuttle service for their guests to key locations and throughout the community.

Ms. Ward said to also reduce landscaping and setback regulations as a means to allow on-site improvements such as having outdoor tables and chairs, an outdoor bar or an outdoor barbeque area. Ms. Ward said that they would still be providing open space and may not be just in the form of an unpaved grassy area. Ms. Ward said that the Town's code currently allows restaurants to have outside use but not smaller hotels and motels and she thought that the hotel/motel would have to have 100 rooms or more. Now whether or not this would detract from the other restaurants in Town would be something to consider but what she has found in other tourist areas is that there is a concept called "Boutique Hotels and Motels" that works really well especially for older stock and smaller hotel/motel stock. They still want to provide their guests with some room service whether it is a little breakfast type of facility or something else that helps elevate the quality of the type of service they could provide. Ms. Ward said that having more of something is not necessarily a bad thing and that it actually creates an intensity or a choice for people so that they would want to come to your community. Ms. Ward said that if you look at Delray on Atlantic Avenue, you have restaurants one after the other and it actually becomes more of an attraction for people.

Ms. Ward said to create design standards that maybe support the existing architectural style. Again, does the Town really want the existing motels torn down and changed to be Mediterranean style and how that would change the character of the community. Maybe consider the other architectural analysis that was done for the Town. One way to do that through the code would be to give more incentives for motels that basically maintain the style that they have but just make it look better instead of totally changing the character.

Ms. Ward suggested monitoring the legal environment regarding vacation rentals of single family homes. Ms. Ward said that she was aware that the Town has some provisions and regulations added to the code allowing the rental of a single family home for vacation. Ms. Ward said that this might be a good thing in a tourist area but if you live in that area and you want to protect and preserve your single family neighborhood, the vacation rental could have an impact on the single family neighborhood. Plus, it could have a dual affect of detracting from the tourism of Town's motels. Ms. Ward said that she has talked to the Town's attorneys about this and they will monitor this issue.

Ms. Ward moved on to the Commercial Boulevard Improvements and said that one of the key overriding goals would be to make improvements on Commercial Boulevard that would result in two things: A pedestrian oriented corridor and also to create a niche in the market. Ms. Ward said this area is very unique and suggested taking the public parking areas and include pedestrian amenities such as arcades, awnings, canopies and different types of signage so that they would relate more to the pedestrian level than to the vehicles that are going in and out of the parking lot. Ms. Ward said that the code for awnings and canopies extending over sidewalks has very specific restrictions and could be a potential problem in this area because the property line abuts the sidewalk and if you want to put an arcade over that and maybe signage, you would now be in the public area and this would be something that would have to be worked out. Ms. Ward said that this was done in Pompano Beach and this could also be done in Town.

Ms. Ward said to develop a façade improvement program so that there is some sort of improved appearance over time such as more modernization of the buildings. This would be the live/work unit concept. Basically the idea would be to have a work/retail space on the ground floor and living space on the second level. For example, an artist would be upstairs doing their paintings and also living there and then bringing their product downstairs to sell. This concept really attracts artisans such as people that make jewelry or certain types of pottery. Ms. Ward said that she was not talking about industrialization. This idea helps with the parking and the traffic and brings in this artist flare that creates this market niche that you can't have on a boulevard that really caters to vehicles. One of the ways to accomplish this is to add the mixed use provisions that would regulate how you could do that. In the Town's zoning code, it says that in the commercial zoning you could have residential units but it doesn't really comply with how that would be permitted by virtue of the land use plans. Ms. Ward said that Broward County regulates all of the land use planning in all of its local governments. So, the Town has to adhere to how you could have residential and commercial in the same building.

Ms. Ward said to reduce the potential for the incompatible uses and write a conditional use process and criteria such as the single family home in a RM-25 mixed use district; enhance the fast tract permitting for the desirable uses; provide neighborhood compatibility standards that would be a way to preserve the single family residential areas and to even look at cases when a townhouse development would be next to a single family home. The obvious is that you would usually have a 35 foot building next to a 22 foot building. Ms. Ward said to make sure there are some standards in the conditional uses about how those buildings relate to one another. If it is a multi-family project, know where the loading zones are and where the garbage would be picked up and so forth.

As for smart-growth planning tools, Ms. Ward mentioned the alternate mode of transit such as a shuttle and also to insure that the demand on services and facilities are adequately addressed. Currently in the Town's code, there are adequacy review criteria that when a development comes into Town, they have to show that they have met the requirements listed in the Comprehensive Plan such as potable water, sewer, lighting etc. Ms. Ward said that there were some additional requirements that the Town's Comprehensive Plan calls for such as historical preservation, archeological review and also suggested adding hurricane evacuation as a review criteria.

Ms. Ward moved on to processes and fees to reduce costs for housing improvements which is a goal/policy in the Comprehensive Plan that is being looked at because the Town would want the residents to also keep up with improving their quality of their homes. Ms. Ward said that the Town should also determine if landscape code improvements were needed and to define more clearly the open space definitions and standards. Ms. Ward said that when she looked at the landscape provisions in the plan it did not appear that this has been done and recommended that the Town prepare an analysis for this goal.

Ms.. Ward said that there were school concurrency provisions that are required and would need to be added to the development review criteria once adopted by the Town. Ms. Ward said that LDRs should be revised to also include and/or provide for greater detail regarding development standards that support smart growth design which could be a variation in the façade requirements making sure that buildings were not just one flat wall. Best Management construction techniques were also called out in the Town's Plan that would prevent storm water pollution from construction activities. Ms. Ward said that environmental protection and greenhouse gas emissions were all State requirements. Ms. Ward said that the green building design and green roofs were a great way to accomplish compatibility between buildings. For example, if you had a tall building looking down on a lower building and with the green roof provision, it really softened the impact of the height difference and would also add to the green space in the community.

Crime prevention through environmental design is required in the Town's comp plan. Ms. Ward said that these provisions were not in the code and that she was certified in that which basically means that if someone comes in to do a site plan for redevelopment, you would want to make sure that they would not be creating opportunities for someone to hide behind a wall or a building and access an entry into a building. This would be called a "captive" review that should be included in the site plan review as well.

In regards to the Town Charter, make sure that the height maximum that is permitted by the Charter are clearly reflected in the code and to make those changes necessary. Also, the Town's code has procedures and requirements for rezoning but it does not talk about the popular vote that is required for the rezoning that is in the Charter. Ms. Ward said that the same thing should be done with the PUD (Plan Unit Development) provisions of the code and that you could not rezone the PUD without the popular vote and to make sure that is added as well.

With regard to the Comprehensive Plan, Ms. Ward said that there were some changes that she suggested in the plan. Ms. Ward said that in talking with Jeff Bowman, he noted that the Town would be going through the Evaluation and Appraisal Report in 2012 that is required by the state. Ms. Ward said that the Town should make sure that the 2006 Town Charter provisions are accurately reflected in the Comprehensive Plan and to make sure that the language in the 2006 Town Charter is the language that we are dealing with today. Ms. Ward said that there were also goals, objectives and policies regarding the preservation of the areas that were annexed into the community and to make sure the plan reflects those multi-family areas and to preserve them and to incorporate those goals, objectives and policies that are chosen when the review is completed so they could be implemented.

As for the Master Plan, again just implement those to the Town's Plan and Land Development Code and to develop design standards and criteria to preserve and enhance the fabric of the community. The question becomes, "Do you want to embrace the existing Miami Modern and if you do, how do you treat other architectural styles – do you want everything to look the same?" One idea may be – where appropriate – preserve and embrace the architectural use style that the Town has like the Miami Modern and for other areas allow it.

Ms. Ward said to include Smart Growth Principles such as shared parking and these would really be a "parking needs analysis" which is critical to the Town to make sure there is a good understanding of how the shared parking would work such as a bank closing at 5 or 6pm and then a restaurant would use their parking. Also parking reductions for alternative modes such as shuttle services, bicycle racks, as well as through valet parking. You would just have to make sure you have areas for the valet to take the cars and said that the valet could do tandem parking as long as they were the only ones parking the cars.

In conclusion of her presentation, Ms. Ward said that there were four key points: To work towards addressing the issues noted. Ensure consistency with the Town's Comprehensive Plan (again it is the legal framework and it is a legal document for land development). Ensure consistency with the Town Charter and provide implementation for the things that you eventually decide that you would want in the plan and the code. Ensure that the Land Development Regulations do both, remove and include the necessary tools that would help the Town to realize the goals, objectives and policies that are all in these documents.

Ms. Ward closed her presentation and asked the board for their questions or comments.

Vice Chair Brandt asked Jeff Bowman what was the main item that he wanted the board to take out of recommendations in terms of our way of thinking and were there any actions that he was looking for from the board.

Mr. Bowman said that this presentation was to prepare the board for things that would be coming up in the near future that the board would be looking at and would be providing recommendations to the Town Commission.

Vice Chair Brandt thanked Ms. Ward for her presentation and said that he wished that he had heard this information before they had done some comp plan amendments which have now passed. Mr. Brandt said that there were definitely some hopeful information on some points and asked Ms. Ward what the top two items would be that she would recommend for the Town Commission to send to the Planning and Zoning Board.

Ms. Ward said that was one of the questions presented to her at the Town Commission and that she was currently working with the Town Manager's office to develop a prioritization list. Ms. Ward said that from her professional experience, everything that relates to the hotel/motels would be critical to begin with. The direction of where those existing facilities go and how you could encourage that from an economic development standpoint from an improvement standpoint overall, would be very important in her opinion.

Ms. Ward said that the Town has some simultaneous activities going on such as the right-of-way study that is being done with the University of Miami and there were some other groups handling the overall architectural review and what could be done with the rights-of-way to improve them. But between the hotel/motel and the parking needs analysis, Ms. Ward thought those were two things that would really get the most for next year or so while the Town is dealing with flushing out some of the other issues in the plan.

Vice Chair Brandt commented that staff was in the process of doing a study of what the recommendations from the hotel and motel industry would be (if any) to change the parking requirements.

Chairman Oldaker asked Ms. Ward if the municipalities she was using for comparison were local.

Ms. Ward said no but during her career she became very familiar with the Town and what she always found so wonderful about Lauderdale-By-The-Sea was its quaintness and that it has a quality that does not exist in the adjacent communities. The adjacent communities were different as they should be. Ms. Ward said that one of the areas that she kept going back to was Long Beach in Long Island. This area also has the beach, hotels that are older, single family neighbors, however, obviously different in their construction; it has a commercial corridor that serves the whole community and they also have a lot of the same types of issues as far as the quality of the commercial development and the quality of the hotels and motels changing the entire character of that area. Also, the obvious being the East Atlantic Avenue in Delray Beach and certain locations in Fort Lauderdale and Pompano Beach such as East Atlantic Boulevard to see how they were addressing some of the particular issues such as the parking in front of the businesses. Ms. Ward said that when they rewrote the zoning code in 1997 for Fort Lauderdale, she wrote in all kinds of neighborhood compatibility provisions because in some areas in Fort Lauderdale they have that situation where they would have historically preserved single family neighborhoods that were all of a sudden next to a major redevelopment and those provisions were not in the code. Ms. Ward said that she tried to take those components and pull them all together to help address some of the issues. Ms. Ward said that one of her tasks was to provide the Town Manager's office with examples of language which she has done such as for valet parking; how to deal with back-out parking; how to deal with mixed use development; some neighborhood compatibility provisions; some community compatibility provisions. Ms. Ward said that if you were coming down Commercial Boulevard, you would need to be very careful that some type of development activity does not block certain vistas of the community that you would want to preserve.

Chairman Oldaker remarked that Delray Beach is a huge city and the Town was a small city.

Ms. Ward said that Delray has something that she felt the Town had a little bit of which is an accumulation of an area that is an attraction like East Commercial Boulevard. So in that one little stretch, the Town does have similar circumstances. If you went there to go to a restaurant or just walk around in that area, they have some of the same issues such as parking, traffic, and where would they put these people because they became successful. Ms. Ward said that she was just looking at East Atlantic and how they dealt with some of these issues. Ms. Ward said they started with valet parking on their service lots to help get cars off of the road; and they allowed many of the existing businesses to convert to restaurants and sometimes you need to change the code because the setback does not allow the additions that you would need to add for a restaurant because of the cooling tanks and the bathroom requirements that you wouldn't have in a travel agency.

Mr. Wick said that he loved Ms. Ward's presentation and asked if the Town was presently out of legal basis on a lot of things that she noticed. In other words, you would have to go from one section to another section such as would the density be in the code as well as the Charter and the height limit in the code as well as the Charter. Mr. Wick said that this Town could go to war over 11 feet because it was 44 feet and now that is stretched out to 56 feet with additional allowance for air-conditioners and stuff like that. Mr. Wick said that he believed it was now back to 33 feet. Mr. Wick said that they have all dealt and heard about Bert J Harris for the longest time.

Ms. Ward said that she reviewed everything with the Town attorneys and they reassured her that the Town is not in any kind of legal situation. Ms. Ward said that it's about how you can be more consistent and improve upon what you already have and what avenues would the Town have to encourage redevelopment in a positive way without going against those particular issues that are in the Town Charter. For example, the hotels in the Town, the Clarion and the old Holiday Inn, are taller than what the 2006 Town Charter allows for new development but it does allow redevelopment of those existing buildings to the height that they were. So, this would be very positive for those two locations to have improved/redeveloped hotels.

Mr. Wick agreed with Ms. Ward's comments regarding the hotel/motel industry on El Mar Drive. Mr. Wick said that Town now has one property on El Mar Drive that could be developed into a single family home that he fought against but it passed anyway. Mr. Wick said that the Town has a 50 foot setback from the property line on Commercial Boulevard and asked Ms. Ward if the Town should look to the future and say that if you are developing more than X number of linear feet, then the building could be moved closer to the sidewalk with parking in the rear.

Ms. Ward said that she just wrote that code for Pompano Beach for the east community redevelopment area on East Atlantic and it is called the "build to line". Basically you build the building closer with a wider sidewalk. You would have sidewalk café's, outdoor dining and in essence people do not want to be walking between cars. In Harbor Village where Café Max is located, that is a public parking area that is deeded in perpetuity for public parking so that could not be changed. However, she worked through their city attorneys so that they could develop language to do an arcade over the public right of way so someone walking along those buildings would have a better feeling and still accommodate some outdoor dining. Ms. Ward said that you could move back the setback but she would not necessarily encourage that and you would have to be sensitive when you move parking to the rear and how that would affect the residential and there were ways to do that. Ms. Ward said that where you could, she would absolutely change the setback.

Vice Chair Brandt commented that he liked the concept of the live/work space and he thought there were some good examples of this working in the Town and that on Commercial Boulevard there was residential on the second floor. One of the other items that Ms. Ward mentioned was the quality redevelopment. Mr. Brandt said that active residents of the Town would at some point in the near future decide whether the Town would become the biggest project developer. So, it would really come down to the Town making sure that within that timeframe it figures out which parts of the different aspects of the code that Ms. Ward looked at (the Charter, the LDR's, the Comprehensive Plan) how would that all mesh into what the Town actually does instead of some outside developer. Mr. Brandt said that he thought that the reason why hotels and motels do not actively get rebuilt or redeveloped was because the financial model does not work. Mr. Brandt said that people have been actively trying to find what would be the financial model that would work because everyone really wants hotels and motels. Mr. Brandt said that some of those innovative financial models were timeshares. Mr. Brandt said that he believed the Town has five timeshare properties and there were some proposed condo/hotels. Mr. Brandt said that there could be a sticky situation if the Town starts discouraging residential and to encourage hotel/motel tourists. Mr. Brandt said that timeshares and hotels/motels are many times deeded to one individual, almost like residential, but the use becomes like a hotel feel but the financial model would be there.

Ms. Ward said that typically in many communities when a timeshare or a condo/hotel is done, they would be considered tourism/hotel. Ms. Ward said that as long as the Town code states that if you are a condo/hotel or a timeshare they would be considered a hotel and would still get the benefits from that use. Ms. Ward agreed with Mr. Brandt that sometimes the condo/hotel and timeshares work very well because you would have an assured ownership that would help maintain the property over time.

Vice Chair Brandt said that if the Town makes a policy decision to move towards discouraging residential, he thought that would be a dangerous decision, because at the end of the day he thought that many people would take something new over an old, bad hotel that ends up being condemned, so we have to make sure we all want hotels and leave the door open for something new or for remodeling to happen. Mr. Brandt said that his family use to run a Bed and Breakfast in Town and they use to make waffles on Tuesday mornings and waffle making is considered a restaurant use and this would have to be looked at by the Town attorney. If the Town goes to something along those lines and if you now put a restaurant in the hotel for the purpose of room service, you would have to be careful with the service areas because of the off-street parking. Mr. Brandt said that he liked where Ms. Ward was going with this concept and that the Town just has to work through the details.

Ms. Ward went back to the residential issue and said that there were some residential above the commercial but the way the code is written, it does not comply with the Broward County restrictions for how that would be done. Ms. Ward said that over time the mixed use has probably been allowed prior to the county incorporating those restrictions in their Comprehensive Plan which would force the Town to incorporate those restrictions in the Town's Comprehensive Plan and adhere to them. Basically, what it says is that if you are going to put residential in an area that has a commercial land use or commercial zoning, you could do it only through what is called "flexibility units". You would have to indicate the number of flexibility units in a particular boundary and how those units would be allocated and then you would have to monitor those units and at the end of the year, you would have to tell the county if the ten units were used. Also, this could be done by using a certain percentage of residential if it is in the commercial building space and also, by doing it just above the commercial space. At the end of the day, Ms. Ward did not think that it would prevent what the Town is already doing. The other component of that would be the live/work concept.

Vice Chair Brandt wanted to make sure that the change would not impact anyone that is already doing the mixed use concept.

Ms. Ward said that the Town attorneys were already looking at that and if it is there, has it been permitted legally. So, its just a matter now of anything moving forward would have to be listed.

Chairman Oldaker commented about having tourists in the residential areas and that Ms. Ward recommended restricting that use. Mr. Oldaker asked how you preserve the single family neighborhoods that are really being neglected such as striping on the streets and street lights. Mr. Oldaker said that he never hears about any of those issues coming up for the hidden neighborhoods of the Town yet there is a street light every 10 feet on Seagrape Drive.

Ms. Ward said that those types of things would come under a neighborhood improvement program. However, if zoning regulations could be written that say that homeowner in a single family neighborhood wants to upgrade their property, then make it faster and less costly. Secondly, perhaps look at the uses that are allowed in single family neighborhoods to make sure that if a multi-family unit is developed right next to it, to make sure that the design of that structure be sensitive to the fact that this is a single family neighborhood. How would the lighting of the multi-family unit affect the single family home? What would be the architectural appearance next to a single family home? Would the loading and unloading areas affect the single family home? These were some of the ways to be sensitive to the fact that this is an area that has a predominance of unattached single family homes.

Mr. Wick said that the approval to allow weekly rentals in the RM-5 zoning district did not come out of the Planning and Zoning Board and was approved by the Town Commission. Mr. Wick said that the weekly rentals were really detrimental to the tourist industry because it is putting people off the beach instead of in the Town's hotels and motels. Mr. Wick said that the weekly rentals were now causing problems for the people that live around them. Mr. Wick would like to see this issue come back to the Planning and Zoning Board so that it could be changed to a minimum monthly rental at best so people would not be coming in every Friday or Saturday and creating havoc in the RM-5 units. Mr. Wick said that he was all in favor of saving the hotel/motel industry and also trying to do something with Commercial Boulevard and then getting the single family houses back to being single family neighborhoods. For example, Bel-Air has its own homeowners association and they come to the Town meetings with ideas of what they would like to see happen in their neighborhood.

Chairman Oldaker announced that Alternate Eric Yankwitt just arrived to the meeting.

VI. OLD BUSINESS

There was no old business to discuss.

VII. UPDATES/BOARD MEMBER COMMENTS

Mr. Bowman pointed out that on the next Town Commission Agenda would be the first reading on the sign ordinance. Mr. Bowman wanted to point out that the hard work that the board put into that ordinance did not go un-noticed. Mr. Bowman said that staff has recommended removing 3 of the recommendations that have to do with "pole signs" and "sandwich signs" which would be addressed on the second ordinance. In the meantime, there will be more dialogue, more discussion and more research on those signs. Mr. Bowman said that he did not want the board to be surprised when they saw that those signs would not be on the proposed reading of that ordinance.

Mr. Wick reminded everyone at home that the Town would be having an Easter Egg Hunt on Saturday morning that would start at 9:00 am at Town Hall and then there would be Easter Sunrise Services on the beach at Commercial Boulevard. Mr. Wick wished everyone a safe and holy week.

Mr. Yankwitt said that he did not plan on coming because he was scheduled to make a speech and apologized for arriving late. Mr. Yankwitt said that about 10 days ago he represented the Town at the League of Cities and there was a wonderful presentation on how to conduct meetings and how board members should conduct themselves on the board and how to resolve certain issues and said that he would like to share the information with the board. Mr. Yankwitt asked for direction on how to present this information to the board members so not to break any of the Sunshine Laws.

Chairman Oldaker said that the information could be discussed with the board members during a Planning and Zoning meeting.

Mr. Yankwitt said that he would email the information to Jeff Bowman to review and wait for direction.

VIII. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:50 p.m., April 20, 2011.

ATTEST:

Chairman Alfred Oldaker

Date Accepted: _____

Colleen Tyrrell, Board Secretary
