

TOWN OF LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING REGULAR MEETING MINUTES

Town Commission Meeting Room

Wednesday, June 15, 2011

6:30 P.M.

I. CALL TO ORDER

Chairman Alfred Oldaker called the meeting to order at 6:30 P.M. Members present were Chairman Alfred Oldaker, Vice Chair Yann Brandt, Ben Freeney, and First Alternate Eric Yankwitt. Also present were Jeff Bowman, Zoning and Code Supervisor of Development Services, 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

The Pledge of Allegiance was recited.

III. APPROVAL OF MINUTES - Planning and Zoning Meeting of May 18, 2011

There being no additions, deletions or changes to the minutes, all voted in favor to approve the May 18, 2011 minutes as presented.

IV. PUBLIC COMMENTS

There were no public comments.

V. NEW BUSINESS

Item #1: Conditional Use application for Paid Private Parking in the B-1 and B1-A Zoning District.

Vice Chair Brandt interjected that the board was aware of the parking situation at the Sun Trust Building that was currently undergoing and would be something that the board would hear next month regarding Aruba, Athenas and the other buildings that have been doing this for decades and made a motion to recommend approval of the Conditional Use for Paid Private Parking in the B-1 and B1-A Zoning District with Staff's recommendations.

Chairman Oldaker said that there was a public audience and thought that the board would want them to know the facts and that they should hear a brief presentation.

Mr. Bowman said that B&C Real Estate Holdings submitted an application for a Conditional Use Permit for Paid Private Parking. The current use of the property is an office building with a bank on the first floor. Mr. Bowman said that the proposed use would not change with the exception of the Conditional Use allowing paid private parking. The bank is required to have 45 parking spaces and the total number of parking spaces that they have is 73 – so they have 28 non-required parking spaces that they could use for this program during the off hours of this building. Mr. Bowman said that during the hours of 6:00 am and 2:00 pm they would be using the non-required parking spaces for this conditional use. From 6:00 pm to 2:00 am they would be using all 73 parking spaces. Historically, the property has been used for public parking - just not paid parking. Mr. Bowman said that they started the paid private parking two months ago but historically it has been used for public parking. Mr. Bowman said that Staff has provided recommendations in the backup material for the board to consider for approval.

Town Attorney Kathryn Mehaffey said that there was a motion on the table that either has to be seconded for approval or it dies for lack of second.

Mr. Yankwitt seconded the motion with the request for further discussion. Mr. Yankwitt verified with Mr. Bowman that it was the applicant's decision to provide the liability insurance in the amount of \$2,000,000 and that it was not Staff's requirement. Mr. Yankwitt was concerned that this would set a precedent for other businesses in the area that are finding themselves in the same situation as to whether or not they would be required to have \$2,000,000 of liability insurance and other costs and thought that it would be too much.

Mr. Bowman said that Staff's recommendations do not require the liability insurance because the conditional use is not being conducted on Town property.

In a roll call vote, all voted in favor to pass this on to the Town Commission with the Board's recommendation to approve the Conditional Use for Paid Private Parking in the B-1 and B1-A Zoning District with Staff's conditions listed 1 through 8. The motion carried 4 – 0.

Item #2: Revisions to the Sign Code

Vice Chair Brandt said that this matter was discussed at the Round Table last evening and thought that Mr. Bowman could proceed with a brief presentation and that the board was prepared to make a quick motion and thought the revisions would fit well into the Town's Sign Code.

Mr. Bowman said the B-Cycle is contracted with the County to do a bike program county-wide and they are seeking contracts or agreements with local municipalities to start this program. Other cities have gotten involved in this program (Hollywood, Fort Lauderdale, Pompano Beach) and Lauderdale-By-The-Sea wants to do the same thing. Mr. Bowman said that the only issue is the Town's Sign Code because B-Cycle wants to be able to advertise the individuals who are sponsoring the kiosk and in order for the Town to allow the signage on the kiosk, there would have to be a code amendment. Mr. Bowman said that the Board was provided a draft amendment to the sign code in their backup material that Staff is recommending. Mr. Bowman had a Power Point illustration provided by B-Cycle of the advertising that would be used on the kiosk. Some of the signage is informational and some of it is promotional.

Vice Chair Brandt asked Town Attorney Mehaffey what type of agreement is the vendor going into with the Town in terms of site access, easement, leases?

Attorney Mehaffey said that would be determined at a later date and would not be involved in this process at all. The proposed revisions to the sign regulations would have to be the first thing in place before the Town would consider engaging in a contract. Attorney Mehaffey said that there would be certain things the Town would be looking for and that she has not seen any proposal yet.

Vice Chair Brandt said that he would put this in with the same category as some of the news paper boxes that are throughout Town or even the bus shelters which is something that was discussed internally as well. If the Town grants B-Cycle the site access on public property, it would make sense for them to put this as well.

Attorney Mehaffey said that it would require a Public Right-of-Way License that would have to be approved and entered into by the Town and that license agreement would regulate the some of the signage as well.

Vice Chair Brandt asked the Town Attorney if that would be similar to how some of the newspaper boxes are handled in Town.

Attorney Mehaffey said that maybe some of the newspaper boxes or maybe the sidewalk cafés.

Vice Chair Brandt made a motion, seconded by Eric Yankwitt, to pass this on to the Town Commission with the Board's recommendation to approve the Revisions to the Sign Code as presented by Staff.

In a roll call vote, all voted in favor to pass this on to the Town Commission with the Board's recommendation to approve the Revisions to the Sign Code as presented by Staff. The motion carried 4 – 0.

VI. OLD BUSINESS

There was no old business to discuss.

VII. UPDATES/BOARD MEMBER COMMENTS

Vice Chair Brandt said that he thought it was important to know why the Paid Private Parking was before the Board and this goes back to the acquisition of the Sun Trust Building and that it changed ownership recently. Going back to the February Board meeting, the Paid Private Parking was a late addition to our Notice of Intent regarding some of the parking discussions that the Town was having. Vice Chair Brandt said

he did some research as to how we got there and how it went so quick and it is not in accordance with the process on how some of the residents would have to get it. Many people would be surprised to find out that it is actually the Mayor of the Sea Ranch Villas Council that owns that building under B&C Real Estate Holdings. Vice Chair Brandt said that there was a call from the Mayor to the Town requesting the Paid Private Parking be added late because they had started charging for the parking and because the Town's code did not quite allow for it, they were shut down for it. Vice Chair Brandt said that this is the same Town that use to share costs for the fireworks but in 2009 they decided to pull those funds. Vice Chair Brandt said that it was really a goodwill donation for the fireworks display for our Town. Vice Chair Brandt quoted a comment that was made on August 20, 2009 by the Village Council President that stated "We use to share that cost (meaning fireworks) with Lauderdale-By-The-Sea but we took that out of the budget a couple of years ago. We get to see them for free, so why pay for them." Vice Chair Brandt questioned as to why the Town would have pushed this so fast and caused some the heartaches that some of the Town's long-standing businesses that have been doing the practice for a couple of decades that the board would be seeing in the next couple of meetings. Vice Chair Brandt said that we would have to see if we have incurred legal costs all because there was some political favors paid to a town that really could care less about the residents of Lauderdale-By-The-Sea and he thought that was important for people to know.

Mr. Freeny said that he had not seen these B-Cycles in use in any of the cities that Mr. Bowman mentioned. However, Mr. Freeny was in Europe earlier this Spring and noticed that quite a number of large towns had many, many installations of these bicycles and they were being used all over the place. Mr. Freeny thought it was a great thing bringing these bikes into the Town. Also, Mr. Freeny wanted to commend the Town Administration on putting together the program involving the University of Miami. He thought that a lot of people were very excited about the involvement and hopes that the Town keeps up the momentum and the excitement and he thought the concepts they brought forward were great. Soon the University will have a lot of diagrams and drawings for the residents to look at.

Chairman Oldaker said that he hopes that BSO enforces the rules and regulations for bicycles on the road.

Mr. Bowman commented that the B-Cycle program is in the implementation stage and he thought the roll-out date was August 1, 2011. Mr. Bowman said that they would have to have everything ordered for these cities and agreements in place by the roll-out date.

Vice Chair Brandt said that now that the Town has some guidance on the advertising on some of these private vendors, he remembered that the Town turned down some nice bus shelters because some of the advertising requirements and suggested that Staff go back to see if the bus shelters would be still available and if the Town Commission would want to see it as an option and he thought that the bus shelters would be welcomed.

Mr. Bowman responded that it might be something Staff could address when they do the second ordinance on signs.

Mr. Yankwitt thanked Mr. Bowman for his involvement in providing the paid parking in the downtown section and thought it was wonderful and beautifies the area.

Mr. Bowman said that thanks should go to Connie and Bud who initiated the paid parking program.

VIII. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:10 p.m., June 15, 2011.

ATTEST:

Chairman Alfred Oldaker

Date Accepted: _____

Colleen Tyrrell, Board Secretary