

LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING WORKSHOP MEETING MINUTES

Town Commission Meeting Room

Wednesday, December 15, 2010

7:30 P.M.

I. CALL TO ORDER

Vice Chair Brandt called the meeting to order at 7:30 P.M. Members present were Vice Chair Yann Brandt, Ben Freeney, Lawrence Wick and First Alternate Eric Yankwitt. Also present were Bud Bentley, Assistant Town Manager, Jeff Bowman, Director of Development Services, Town Attorney Kathryn Mehaffey, and Planning Consultant Walter Keller. 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.

II. PUBLIC COMMENTS

Vice Chair Brandt noted there were no members of the public in attendance.

III. NEW BUSINESS

Project:

Applicant:

Location:

Request: Workshop for the Planning and Zoning Board to provide recommendations to the Town Commission on proposed amendments to the Town's Code of Ordinances.

Item #1. Proposed changes to the required parking regulations and general public parking regulations.

Vice Chair Brandt indicated the meeting would be for general discussion to try to get back from staff proposed redlines and code changes, if any. He reminded the Board at the Commission's first roundtable, Town Commissioner Clotey requested the Board spend some time on the hotel portion of the parking code with regard to how many spaces should be required per room.

Jeff Bowman, Director of Development Services reviewed the information pertaining to the subject item contained in the backup, noting the aim was to clean up the parking codes to make them more user friendly.

Mr. Wick asked if under parking staff was striking item D1, and then striking over everything on the second page, 1 through 6.

Vice Chair Brandt said staff was proposing to strike everything but D2 and 3.

Mr. Bowman said items 1 through 6 on the second page were already addressed elsewhere in the parking code.

Vice Chair Brandt clarified staff recommended the striking of items already addressed in another portion of the parking code; thus, an opportunity was not being lost to amend something that was not addressed elsewhere.

Mr. Bowman affirmed this to be the case.

Vice Chair Brandt sought a Board consensus to accept the strike outs advocated by staff on pages 1 and 2, subdivision H.

There was a Board consensus for staff to strike out those portions of the parking code in the backup documents on pages 1 and 2, as they were addressed elsewhere in the parking code.

Mr. Bowman continued his presentation, reviewing the strikeouts noted on page 3 in the backup.

Vice Chair Brandt asked if staff was proposing to strike all of 30-272 or just subsection 2f.

Mr. Bowman replied staff wished to leave in item 2 on page 2, and strike all of f on pages 2, 3 and 4.

Vice Chair Brandt sought to affirm this was due to these matters being addressed elsewhere in the parking code.

Mr. Bowman answered, correct.

Vice Chair Brandt sought a Board consensus to accept the strike outs mentioned by staff on pages 2, 3 and 4, subdivision L.

There was a Board consensus for staff to strike out those portions of the parking code in the backup documents on pages 2, 3 and 4, as they were addressed elsewhere in the parking code.

Mr. Bowman went on to discuss 30-313, subsection 6 of the General Provisions, and staff proposed to strike all of that, as it was addressed in another part of the code.

Vice Chair Brandt asked if 25 would stay intact.

Mr. Bowman replied 25 was a different section of the General Provisions, and it too would be removed due to its being addressed elsewhere in the code.

Vice Chair Brandt sought a Board consensus to accept the striking of 30-313, subsections 6, a through f, and 25, a through b.

There was a Board consensus for staff to strike out those portions of the parking code mentioned in the backup documents pertaining to 30-313, subsections 6, a through f, and 25, a and b, as they were addressed elsewhere in the parking code.

Mr. Bowman continued with 30-314; the bulk of the discussion would take place where nonconforming buildings prior to 1995 were dealt with. Staff had no recommendations to deal with in this section and had no plans to do anything with that section, as they wished to leave it status quo. Under 30-315, the requirements for general commercial use began, and he reviewed the changes noted in the backup.

Vice Chair Brandt invited Board comments, questions and suggestions for section 30-313.

Mr. Wick felt the Board already went through the code and were ready to render a consensus on the section.

Vice Chair Brandt indicated the only item he desired further comment on, as Commissioner Clotney requested it of the Board, was 30-318, paragraph c titled "Hotels, Motels, Including Clubs."

Mr. Wick believed the section made sense, that is, one parking space for each rentable unit. He could not imagine, for example, a hotel or a motel with 250 units having 198 parking spaces, as this would leave some guests with nowhere to park. It made perfectly good sense to go with what the current Town code.

Vice Chair Brandt believed the Commission discussion focused on the number of parking spaces. From personal experience, most of the boutique hotels in the Town did not currently conform with one to one parking. They were worried about the nonconformity from a parking impact standpoint. He pointed out a hotel builder might do a study and say they had 100 rooms and expected them to be occupied a set percentage of the time and provide parking spaces to match that percentage to minimize the number of persons unhappy with the services the hotel provided. Thus, they would make a business decision as to what was best for their business practices. He thought the Board needed to assess what was most important from an impact to the Town standpoint as a minimum requirement without considering the business standpoint; he believed this was the direction in which Commissioner Clotey was moving. His discussion with staff was to possibly take five or ten hotels, or all the hotels on El Mar Drive or the Town, whatever the Board's preference, and assess the current ratio of property to parking spaces; that is, what was the total amount of parking for each hotel, and how many rentable units each hotel had. The Board could ask the Town's Chamber of Commerce to give them some recommendations.

Mr. Bowman noted if the Board was in favor of looking at hotels and motels and the parking requirements, staff could put a document together containing data that included the number of hotels and motels in the Town, the number of units of each, the occupancy during peak and off peak seasons, the number of parking spaces each currently had, and the number of guests without a car. Staff sought to gather local input from the industry for possible solutions; this raw data could be used by staff to devise some possible solutions or recommendations.

Vice Chair Brandt thought this was acceptable and felt getting a Board consensus for staff to go ahead should be the next move, after which a time frame for the information to be given to the Board could be set. The information should include all of the strike throughs, as well as recommendations with data from staff and the administration. Commissioner Clotey or the Town Commission as a whole could be asked to elaborate on where they wished the Board to go and, possibly, get recommendations from individual hotels and/or the Chamber. He thought staff should set the timetable for presenting the information with the abovementioned input possibly by February 2011.

Mr. Bowman concurred, stating he could not set a specific date but staff would prepare the information for the Board.

Mr. Wick asked if the information would include timeshares, as there were a number of timeshares on El Mar Drive that should be a part of the study.

Vice Chair Brandt wondered if timeshares were classified under hotels and motels or were they under apartments/multiple family.

Mr. Bowman stated they were defined under hotels and motels.

Mr. Freaney requested, with the information provided, could the Board base it on 303-18, paragraph c, breaking it out so a few of them were in the same frame work; each hotel could be identified with their room count based on definitions in the code.

Mr. Bowman sought to confirm Mr. Freaney wished staff to include whether or not parking spaces for each hotel was sufficient.

Mr. Freaney wanted the first pages of the document to identify the hotels and motels, the number of rooms, focusing on each hotel and the sufficiency of their parking based on the definitions in the code, such as if they had kitchen facilities, etc. The data should include if a particular facility was an apartment or had an on-site manager, and if the hotel had any formal or informal arrangements to assist with their parking shortfalls.

Vice Chair Brandt, addressing 30-318, mentioned uses not mentioned, such as the pier, as he did not see it mentioned in staff's report. He asked if this would fall under uses not specifically mentioned: page 90, and would they be nonconforming uses.

Mr. Bowman confirmed such uses would fall under that section and were classified as nonconforming uses.

Vice Chair Brandt thought this was an example of a strange circumstances where there were substantial square footage, so the ratio of users could be off. It might be beneficial to place the matter for discussion at the next meeting and, in the interim, do some research to see how the parking requirement was being satisfied, or if it was built before any parking code was in place.

Mr. Bowman pointed out the matter would only have to be addressed if the property owner sought to increase the square footage of the pier, and he was unsure if that would ever happen.

Vice Chair Brandt wondered if the parking code had to be satisfied, and if this was accomplished with the use of the adjacent lot, would that potentially limit the use that adjacent lot had with the parking spaces if it was a 24/7 operation, as they could not resort to shared use of the spaces. For the next meeting, the Board could discuss how the pier satisfied the parking requirements of other establishments, if at all, or was it just a nonconforming use. He requested input on 30-320 dealing with shared parking. Regarding the Board's last discussion on shared parking, generally, if there was a business with a parking spot that had hours of use that were different from some other business that too had a parking requirement, those spaces could be used by both locations with separate hours of use. This portion of the code would address the ability to share those spaces by two businesses.

Mr. Bowman concurred.

Vice Chair Brandt welcomed any input on the language, noting Board members would have another chance to review the code at the next P&Z meeting. He requested a Board consensus whether action items were acceptable for submission to the Town Commission.

There was a Board consensus to accept 30-320 as laid out in the backup.

Item #2. Proposed changes to the Town's Sign Regulations.

Vice Chair Brandt noted the backup contained copies of the Unicode and the ordinances the Board had seen a number of times as prepared by staff, along with the matrix the Board requested at the prior workshop showing the different sign types with allowances by zoning district and additional restrictions. Staff included in the backup a list of the signs most frequently discussed, such as pole, pylon and monument signs, to facilitate a discussion as to which signs were preferred; the results would be shown with red lines at the next meeting; thus, the Board would see a red lined document and recommendations to the Commission. The discussion would begin with the matrix, then focus on permitted versus non-permitted signs and, finally, examine the restrictions for permitted signs; he asked if there were any signs Board members saw in the prohibited section they believed should be permitted.

Mr. Wick questioned why pole signs were not permitted if they were allowed for most of the years the Town existed.

Vice Chair Brandt believed in 1999 an ordinance was passed allowing two more years of construction of pole signs through 2001, after which those signs became prohibited.

Mr. Bowman answered, yes, those dates were close to accurate.

Vice Chair Brandt invited Board feedback as to whether pole signs should be permitted rather than prohibited.

Mr. Freney wondered, in considering the big picture, what kind of consideration was being given to the Master Plan and was this issue of signs one which the guidance of the Master Plan Steering Committee (MPSC) should be sought, as they needed to complement the look envisioned for the Town.

Mr. Yankwitt echoed Mr. Freney's thoughts it might be premature for the Board to make any decision on what signs to permit or prohibit. This applied to most of the sign issues on which the Board was providing its recommendations. He pointed out there were no economic studies on how pole signs affected a community; he had no idea why the Town might permit or not permit them, if it was due to issue(s) of safety, aesthetic, economic, etc.

Vice Chair Brandt observed, as the meeting was a workshop, and there was a MPSC meeting in the interim of the Board's next meeting, the Board could ask staff to present the matter to the MPSC and request their input and recommendations on pole signs, and these could be placed on the Board's next agenda. For the present, the Board could render its views on whether pole signs should be permitted.

Mr. Bowman was unsure if the MPSC might not be at a point where they wished to review pole signs, as they were currently in the beginning stages of the revision of the Master Plan.

Mr. Wick agreed with Mr. Brandt that pole signs should be permitted in the RM25 or RM50, in light of the presence of the hotel and motel industries; located in these two districts were small hotels and motels. Thus, the code should be revised to prohibit pole signs except in the zones RM25 and RM50, if possible.

Mr. Bowman sought clarification the pole signs would then only apply to hotels and motels and not condominiums.

Mr. Wick affirmed this to be his suggestion.

Mr. Freaney pointed out there was a Master Plan currently on file for the Town, and the way in which signs were dealt with in the Plan could furnish the Board with some guidance on how to approach the issue of permitted and unpermitted signs. The MPSC could give its recommendations and the Board could advocate further changes at that time if necessary.

Mr. Yankwitt wished to know why pole signs would be prohibited, stating he needed to know more about pole signs or why they were first allowed and then disallowed, and the Board was now considering whether to permitted them once more.

Mr. Bowman believed the answer to Mr. Yankwitt's question was it most likely due to policy.

Town Attorney Kathryn Mehaffey noted the decision to permit signs tended to be based firstly on aesthetic reasons, and where the issue was one of nonconformance, economic factors came into the play. Until the code provisions allowed them, the signs could be rezoned to prevent the Town becoming involved in an amortization issue.

Vice Chair Brandt concurred the MPSC recommendations were important, but he was afraid their time line and that of the Board's were not on the same with regard to the Town's sign code. There were some cleanup items the Commission wished to see, including from a legal standpoint. He thought the signs should all fit into the category of whether they matched the MPSC, and it was the Board's responsibility to put something onto the books and make recommendations.

Mr. Wick inquired if on the list of permitted/prohibited signs, for businesses situated some distance away from the road, how would they alert potential patrons to their presence; the Board should recommend the Town permit temporary sandwich signs, that they might be allowed on a temporary basis only. Thus, they would have to be brought in at closing and could remain as long as they did not obstruct any public right of way or traffic.

Vice Chair Brandt confirmed Mr. Wick was advocating allowing temporary sandwich signs within business hours, including weekends. Staff had to find the right language, as the intent was for businesses on Commercial Blvd. to be allowed sandwich signs closer to the road that could be in the right of way but not obstructing the sidewalk, street or public safety.

Mr. Bowman preferred the sandwich signs not being placed in the right of way.

Mr. Yankwitt remarked on the southwest corner of Commercial Blvd. and A1A, in front of the building there was a sidewalk, and they had parking and the public sidewalk and then the street. Staff should develop some sort of language that allowed sandwich signs for such vendors to advertise from the immediate sidewalk in front of their place of business but not near the street, as this could lead to safety issues. He supported permitting sandwich signs.

There was a Board consensus to move temporary sandwich signs and pole signs from the prohibitive list to the permitted list and for staff to devise language for their requirements. The board would discuss drafting the language for these signs later in the meeting.

Mr. Wick felt unprepared to give his opinion on pylon signs, noting it was not something the Board needed to address immediately.

Mr. Yankwitt believed pylon and pole signs were very similar.

Mr. Freaney concurred.

Vice Chair Brandt moved the issue forward for further discussion. He asked if there were any signs on the prohibited list Board members wished to see in the permitted use.

Mr. Wick recalled Broward County generated income by permitting some local organizations to place benches in certain areas. The only place he would prohibit them was on the beach itself.

Vice Chair Brandt asked if the Town had any jurisdiction over the Broward County Transit bench signs.

Town Attorney Mehaffey replied with the actual signs, probably not.

Vice Chair Brandt thought the question pertained to the benches and whether the Town could prohibit advertising being sold regardless of who owned the benches.

Town Attorney Mehaffey responded she needed to gather further information on benches before rendering an answer.

Vice Chair Brandt received a Board consensus to discuss bench signs further in an effort to determine how to move them. He questioned how much jurisdiction the Town had in the vertical way; that is, how high up did the Town's sign ordinance go.

Mr. Yankwitt wished to know why strip or string lighting around windows was prohibited, questioning if it was an aesthetic issue or a safety issue.

Vice Chair Brandt believed it was a matter of aesthetics; the intent was to prevent having holiday lights hanging from windows all year long, as this regulation did not include holiday lighting.

Mr. Freaney recalled when the subject discussion began, there was some comment about housekeeping changes that were needed and changing some items in order for the Town to conform with the law. If it were possible to separate the housekeeping and any legal nonconforming issues from any of the other recommendations by the Board, this would be very helpful, as the Board could skip through the housekeeping items. He noted this left the other items a bit cleaner for the Board to discuss.

Vice Chair Brandt believed the legal questions related to severability. Thus, the Board could highlight housekeeping versus legal recommendations in separate colors.

Town Attorney Mehaffey questioned if the Board wished housekeeping one color and legal and separate color, and there could be a third color.

Mr. Yankwitt wished to know why Mr. Wick thought there should be an exception allowing pole signs for hotels and motels.

Mr. Wick pointed out pole signs were designed to draw patrons to a business; however, condominiums units were privately owned and they fit into the RM50 district. He had no wish to see the entire west side of A1A from Sea Ranch Building C to Terra Mar Drive loaded with signs standing out one after the other; aesthetically, this would not be very pleasing. Thus, they should only be allowed for hotels, motels and timeshares.

There was a Board consensus to allow pole signs in RM 25 and RM 50 zoning districts for hotels and motels; staff would draft language accordingly.

Vice Chair Brandt thought the existing pylon signs were acceptable, though they tended to be more bulky than the pole signs. However, if a hotel or motel wished to erect a new sign, they should be required to use pole signs. He received concurrences from Mr. Wick and Mr. Yankwitt.

Mr. Freaney disagreed and felt pylon signs should be left as an option for hotels and motels and that variety is good.

There was a Board consensus to leave pylon signs as a prohibited use.

Vice Chair Brandt noted, on the matter of sandwich signs, the aim was to push for these signs to benefit the businesses off the street on Commercial Blvd. so they might attract patrons to look inward toward the shops. He said the intent was to have the signs placed closer to where cars traversed. He understood there might be some legal and language issues to work through, and it could involve having stores place their signs on property not owned by them or their landlord.

Mr. Wick wondered if sandwich signs could be permitted in the B1 and B1(a) zoning districts. A business could post such signs when needed, as long as they took them in every day, allowing one sign per business.

Vice Chair Brandt suggested placing the matter with legal staff, giving them the Board's concerns: legally, from a liability standpoint, and what they proposed.

Mr. Yankwitt thought the language should contain a setback or include A-frame signs to protect the Town's interests as far as liability was concerned, while enhancing the business interests in advertising. This could facilitate a meeting of minds.

Mr. Freeney preferred to allow sandwich signs, though he believed there would be an issue on Commercial west of A1A due to zero lot lines, as there was a lot more than people realized.

Vice Chair Brandt felt the Board was unanimous as to permitting sandwich signs, and staff could devise language that included allowing them while taking into consideration the concerns voiced by the Board.

Town Attorney Mehaffey wished to know if the recommendation applied to all businesses in the B1 and B1(a) or just to retail businesses; she received a consensus for it to apply to all businesses.

There was a Board consensus to allow one sandwich sign per business involved in retail, restaurant and personal services, and for staff to draft language for the sign code accordingly.

Vice Chair Brandt recalled at the previous meeting there were comments regarding signs having three colors versus four colors. He wished to know if the Town's code currently required box signs not to have more than three colors.

Mr. Bowman answered, yes.

Vice Chair Brandt recommended the Town stay with three colors but not have white count as a color.

Mr. Bowman indicated white did not currently count as a color if used as a background color, as indicated under 30-506, General Design Standards, b, on page 9 in the ordinance, line 319.

Vice Chair Brandt wondered if there was a larger topic the Board could address regarding the sign brought up under Public Comment at the last meeting.

Mr. Bowman believed the concern voiced by the business owner was he did not wish to be limited to three colors.

Vice Chair Brandt indicated his support for the elimination of that portion of the ordinance pertaining to white not being a color that said: when used as the background of the sign.

Mr. Yankwitt questioned if the business owner wished to use more than four colors, one of them being white, he/she could apply for a variance, eliminating the need to alter the ordinance in this regard.

Mr. Freeney felt business looking to alter or create a new sign would first consult Town staff to determine what the parameters were with respect to designing the sign. He agreed the code should not be changed to accommodate a single applicant.

Vice Chair Brandt found it hard to differentiate white as a background color and when it was not used as one. He preferred to see the Board's views reflected as a redline strikeout in the draft for a vote.

Mr. Freaney recommended whatever color was used for the background should not be counted.

Mr. Wick concurred, stating the language could reflect the background color would not be counted as one of the three colors.

Vice Chair Brandt pointed out the language was being changed to permitting four-color signs, when white might not be one of them. He wished to either see striking the language that said "white should not count as a color" whether it was background or not, as from his perspective, all plastics began as white and the rest contained graphics.

Mr. Wick suggested taking out the language about white not being a color that was counted and replacing it with the following language: the background color of the sign would not be considered one of the three colors.

Town Attorney Mehaffey questioned what would happen if there were multiple colors in the background.

Mr. Wick responded one of the colors would be considered as the background color, and the others viewed as constituting the three allowable colors.

Mr. Freaney suggested the background color would be whichever of the colors took up the most space.

Vice Chair Brandt thought it better for the Board to leave the code pertaining to sign colors as is for the present and do a strikeout in the draft if so desired.

Mr. Wick mentioned, with regard to bench signs, Town staff should determine where the benches were throughout the Town.

Vice Chair Brandt wished to know if the sign ordinance was aimed at public signs and not government signs.

Mr. Bowman stated it went to line 339 where items of information were discussed.

Vice Chair Brandt sought clarification if Mr. Wick believed an entity should be allowed to install a bench and a sign and, if so, under what circumstances.

Mr. Wick suggested first looking at the bus stop signs and learning if Broward Transit or Lauderdale-By-The-Sea could earn revenue from the signs to help pay for its upkeep. If someone wished to put benches out, they probably had to get a variance and, at that point, the Board could review the matter.

Mr. Bowman referred the Board to line 498 where it discussed informational signs with governmental agencies being exempt from the regulations. The benches along Commercial Blvd. might be private, and there could be benches at County bus stops.

Vice Chair Brandt noted the Town or the County were welcome to examine bench signs as a source of revenue.

Mr. Yankwitt sought an example of what constituted a noncommercial bench sign.

Vice Chair Brandt responded "The Bus Stops Here." He understood the direction of the intent but was concerned with issues such as: right of way, sidewalks, permanent benches, temporary benches, etc., and he could not support going down that path.

Mr. Wick commented, as he was the person who brought the matter up, he would withdraw it out for later discussion.

Vice Chair Brandt recalled there were signs regarding menu boards; the sizing might be a little off, and the maximum size should be six square feet.

Mr. Yankwitt concurred.

Vice Chair Brandt pointed out the Board would receive the code version as well as the ordinance, an elaboration of housecleaning versus legal, as well as the changes on which a consensus was gained during the meeting.

IV. OLD BUSINESS

None

VII. UPDATES/BOARD MEMBER COMMENTS

Mr. Wick wished everyone Happy Holidays and a Happy New Year.

Mr. Yankwitt echoed Mr. Wick's sentiments, thanking the Town staff and Town Attorney for their help and guidance.

Mr. Freeney voiced similar seasonal wishes and hoped more members of the public would attend the next meeting to give their input.

Mr. Bowman hoped everyone could attend the January 7 and 8, 2011, MPSC meeting with David Sucher, author of the book "City Comforts." Mr. Sucher would be present to speak with the Town Commission, staff and the residents.

Vice Chair Brandt wished everyone a Merry Christmas, stating he appreciated everyone's support.

VII. ADJOURNMENT

There being no further business to discuss, the meeting was adjourn at 9:00 p.m., on December 15, 2010.

ATTEST:

Chairman Alfred Oldaker

Date Accepted: _____

Colleen Tyrrell, Board Secretary