

MINUTES OF THE PLANNING AND ZONING BOARD  
PUBLIC HEARING/REGULAR MEETING

CITY OF DELRAY BEACH  
DELRAY BEACH, FLORIDA

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MEETING DATE: January 24, 2011

LOCATION: CITY COMMISSION CHAMBERS

MEMBERS PRESENT: John Miller, Mark Krall, Cary Glickstein, Clifford Durden, and Craig Spodak

MEMBERS ABSENT: Al Jacquet, and Connor Lynch

STAFF PRESENT: Mark McDonnell, Ron Hoggard, Terrill Pyburn, and Denise Valek

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I. CALL TO ORDER:

The meeting was called to order by Chairman Miller at 6:00 p.m. Upon roll call it was determined that a quorum was present.

II. MINUTES

The minutes of July 19, 2010 and August 16, 2010 were postponed to the February 28, 2011 meeting as a quorum was not present to approve said minutes.

III. COMMENTS FROM THE PUBLIC:

Mr. Andrew Wolfson, 103 SE 4<sup>th</sup> Avenue (Downtown Lofts) complained about the level of noise outside his condominium created by a bar. He sent letters to the Board and Mr. Harden advising of the problem. They have tried to work it out with the owners in terms of lowering the music to acceptable levels. He advised he received a letter that Code Enforcement would be handling the issue.

IV. PUBLIC HEARING ITEMS

- A. Abandonment of rights-of-way within the Lambert Trailer Court Subdivision in conjunction with the proposed Franklin at Delray Beach development, located on the west side of South Federal Highway, approximately 320 feet south of SE 10<sup>th</sup> Street and north of the Plaza at Delray. Quasi Judicial Hearing
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Ex-Parte Communication: None

Mr. Hoggard entered project file no. 018-ABR-CCA into the record. With the exception of four single family homes, located within the original Lambert Trailer Court Plat on the north side of the subdivision, the development proposal includes the complete redevelopment of the existing mobile home park and office plaza. Abandonment of the two road rights-of-way within the mobile home park is necessary to redevelop the property. A portion of one of the roadways, SE 12<sup>th</sup> Road, immediately adjacent to the remaining four single family homes, together with an additional 20' section immediately to the east, will not be abandoned. This portion of the original roadway, which will be connected to a new public road right-of-way for the proposed

development, will continue to provide access to the existing homes. It is noted that there are also a number of access easements that coincide with the road rights-of way to be abandoned. These easements will be abandoned through separate action by the City Commission concurrently with the road rights-of-way abandonment.

Review by Others:

The subject property is not located within a geographical area requiring review by the CRA (Community Redevelopment Agency) or the DDA (Downtown Development Authority).

Courtesy Notices:

Courtesy notices have been provided to the following groups and neighborhood associations:

- Neighborhood Advisory Council
- Delray Citizen's Coalition
- Floranda
- Banyan Tree Village
- Heritage Club
- Harbourside
- Delray Beach Harbor Club E
- Domaine Delray

Public Notice:

Formal public notice has been provided to property owners within a 500' radius of the subject property. The Planning Department has not received any letters of opposition to the abandonment. Additional letters of objection or support, if any, will be provided at the Planning and Zoning Board meeting.

Mr. Miller advised he did not realize that there were five single-family residences, and one house to the south has two lots.

Mr. Durden inquired if they had access to both sides of the road, and are they going to be abandoned on the right and the left. Mr. Durden inquired if they had access to those houses. Mr. Hoggard advised access is through Federal Highway.

Applicant:

Jeffrey Lynn, Esquire, Weiner & Lynne, PA, Agent for the applicant, advised he is pleased to bring the first step before you this evening so we can retain and have a nice project for the City to enjoy.

Mr. Covelli advised when the new road comes through there will be a 50 ft. road that is going to meet the City's standards. We are providing that access as well as greatly impacting access.

Public:

Ms. Aisha Colon, 307, SE 12<sup>th</sup> Road, advised this is a private road. She advised she does not have an issue with New Century, but I do not think the project should be at my expense. I did write a letter to the Board. This project is devaluating our property. The other road leads into Floranda. The property was owned by two different owners until New Century purchased the property. According to City plans there are four roads with ingress and egress from South Federal Highway. This is a violation of my civil rights for the City to

give them the right to take the property. I am not going to go quietly. Before I purchased the property the owner lived for 48 years without utilities. The City will not give us water because this is a private road and belongs to the residents who live there. We have no City water.

Mr. Glickstein inquired where she lived. Ms. Colon advised she owns two lots, and there is a house on one.

#### Public Comments Closed

Mr. Hoggard advised you have a copy of the plat, the right-of-way says it is reserved for the use of adjoining property owners.

Dr. Spodak inquired if there was a third road. Mr. Glickstein inquired where the access to Ms. Colon's property was. Mr. Hoggard advised on top of the existing right-of-way it will be as it is now. The road will tie in and continue to the multi-family development. Mr. Glickstein advised this is a third road the right-of-way that is being abandoned. Does the City manage this? Mr. Hoggard advised not because it is a private road, and there is a right-of-way within the property. When it gets abandoned the property will go to the lots. Dr. Spodak inquired if there was access from the north. Mr. Durden inquired about the roads that were mentioned. Mr. Hoggard pointed out the three roads on the overhead map and they are platted. Ms. Pyburn advised they were never approved or maintained by the City.

Jeffrey Lynne, Esquire, asked Ms. Colon what year she bought the property. Ms. Colon advised in 1998. Mr. Lynne inquired you purchased your property with access to the road on Lambert Trailers plot. Ms. Colon advised it was a private road and only the Federal Government has the right. They are taking away what is mine for the City's personal use. Mr. Lynne inquired if there was an understanding with the person who the property was bought from. Ms. Colon advised this lot has serviced all these trailers since the 1940s. Mr. Lynn advised it appears to be a legal issue. As a common sense our client was not going to invest millions of dollars in this property if they did not believe they could not go down the road they are going down. These roads are dedicated with the perpetuity use of the public. We ask that you recommend approval of the abandonment. It is a public road and we are going forward. Any action the Board does tonight has no final action any way. We redesigned the site so the property in front cannot be touched and remain improved from shell rock to a road that will provide access to the property, etc. It is going to be seamless, and Ms Conlon will not be landlocked she will have a better road and better drainage.

Mr. Durden inquired if the lot was designated to private use and now you are going to abandon the road how does that affect things in general in terms of the rights of the people. Mr. Hoggard advised it is like any other abandonment. We can abandon the public interest and the property goes back to the property owners. The access will be from Federal Highway and the homes access will be by the new road that gets constructed. Mr. Durden inquired if this would encroach upon any property. Mr. Hoggard advised no, they are 20 feet to the east. All the right-of-way area being abandoned does not touch the outparcel properties.

Motion:

Motion made by Mr. Krall, seconded by Mr. Glickstein, and approved 5 to 0 (Mr. Jacquet and Mr. Lynch absent) to move a recommendation of approval of the request for the abandonment of rights-of-way located within the Lambert Trailer Court Subdivision, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.6(M)(5) of the Land Development Regulations, subject to the following conditions:

1. Dedication of the new public road right-of-way must be accepted by the City Commission prior to approval of the abandonment Resolution for the existing rights-of-way;
  2. A bond must be provided to the City for construction of the new roadway. This bond shall be provided prior to any building permits for the project;
  3. A temporary access easement must be provided over the existing SE 12<sup>th</sup> Road, to maintain access between the existing single family homes and South Federal Highway prior to approval of the abandonment Resolution for the existing rights-of-way; and
  4. An indemnification agreement with the City must be executed in case any litigation results from the abandonment of the rights-of-way.
- B. Privately initiated rezoning from A (Agricultural) to POD (Professional and Office District) for a 2.09 acre vacant parcel of land located on the north side of West Atlantic Avenue, west of Homewood Boulevard and the Delray Garden Center.
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Dr. Spodak stepped down.

Mr. McDonnell entered project file no. 2010-035 into the record.

The project site is located on the north side of West Atlantic Avenue, just west of Homewood Boulevard and contains approximately 2.09 acres. The property is currently vacant and was until recently part of the Delray Garden Center.

This is a privately-initiated rezoning request to go from Agricultural (A) to Professional and Office District (POD). The subject parcel will be the future site of the Spodak Dental Office Building.

Review by Others:

The development proposal is not within a geographical area requiring review by the DDA (Downtown Development Authority) or CRA (Community Redevelopment Agency).

Courtesy Notices:

A special courtesy notice was provided to the following homeowners and/or civic organizations:

- Susan Sims, Neighborhood Advisory Council
- Suzanne Donohue, Neighborhood Advisory Council

Public Notices:

Formal public notice has been provided to property owners within a 500' radius of the subject property.

Mr. Glickstein inquired if the property was still vacant. Mr. McDonnell advised it was a vacant parcel.

Applicant:

Michael Weiner, Esquire, Weiner & Lynne, PA, Agent for the applicant advised there are three ordinances that have to be met and we have met all three.

Public:

Mr. Richard Gigliotti, representing Section 1 Condominium, High Point, advised they do not have an objection to the rezoning. However, they understand there is a height restriction, and one of the properties to the west area has a cinder block wall, and we would like to see that wall continued. The wall would protect owners of the property.

Mr. Miller advised this will come before the Site Plan Review and Appearance Board meeting in the future. Mr. McDonnell advised a notice would not be sent out but it will be posted on the City's web site. The LDRs require or suggest a thick planting or a wall with some foundation planting.

Mr. Glickstein inquired why Mr. Gigliotti couldn't get a courtesy notice. Mr. Weiner advised when the meeting comes up we will call him to advise.

Board Discussion: None

Motion:

Motion made by Mr. Glickstein, seconded by Mr. Durden, and approved 4 to 0 (Mr. Jacquet, and Mr. Lynch absent, and Dr. Spodak stepped down) to move a recommendation of approval to the City Commission for the privately initiated rezoning from A (Agricultural) to Professional and Office District (POD), by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is *consistent* with the Comprehensive Plan and does meet the criteria set forth in LDR Sections 3.1.1 (Required Findings), 3.2.2 (Standards for Rezoning Actions), 2.4.5(D)(5)(Rezoning Findings), and 4.4.16(B)(1).

- C. Privately initiated amendment to the Land Development Regulations Section 4.4.13 "Central Business District" Subsection (D) "Conditional Uses and Structures Allowed" to add "Escorted Segway Tours" as a conditional use; and, amending Section 4.3.3 "Special Requirements for Specific Uses" to enact a new Subsection (ZZZZ) "Segway Tours and Segway Sales" to provide for specific requirements for the establishment and operation of such uses.
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Dr. Spodak returned to the dais.

Mr. Krall stepped down.

Mr. McDonnell entered project file no. 2010-212 USE into the record.

The amendment is to allow tour operators and sales of human transporters commonly known as "Segways". The proposed text amendment also provides specific requirements regarding operations and distances between similar businesses. It is noted that this amendment is separate from an ordinance which addresses Segway use citywide which is being processed by City staff. This ordinance will impact private Segway use, Segway rental/lease uses and escorted tour uses.

The City has received a privately initiated LDR text amendment to include EPAMD tour operators in the CBD zoning district (subsequently including the CBD-RC zoning district). These devices are a relatively new technology and the potential nuisances are not completely known. Further, a cottage industry has arisen using these devices for tours. Thus, the LDR text amendment includes provisions that address potential public hazards and nuisances that may be experienced with these devices. The recommended staff changes mirror the citywide ordinance being processed as a City initiated text amendment to the Code of Ordinances throughout the City. If these changes are accommodated a positive finding can be made with respect to LDR Section 2.4.5(M)(5).

Review by Others:

The proposed text amendment was reviewed by the CRA (Community Redevelopment Agency), DDA (Downtown Development Authority), and WARC (West Atlantic Redevelopment Coalition). The PGMS (Pineapple Grove Main Street) Executive Committee will consider the proposed LDR text amendment at its meeting on February 2, 2011. The recommendation of the PGMS Executive Committee will be reported to the City Commission. Further, while the CRA considered the proposed text amendment it did not make a recommendation. The proposed text amendment will be considered again at its meeting of January 27, 2011. The CRA recommendation will be reported to the City Commission. However, the initial comments of the CRA are noted below.

Community Redevelopment Agency (CRA):

The CRA considered the proposed LDR text amendment at its meeting of January 13, 2011. The CRA withheld the final recommendation until the ordinance was completed. The CRA did have the following comments/suggestions:

1. Do we really need a separation requirement? Let the market handle it. *(As noted previously, this technology is relatively new and the impacts of these businesses are unknown. Thus, it is prudent to regulate the separation of these uses until such time that the potential impacts are better known).*
2. Consider time of day and days of week when establishing when and where the tours are allowed. *(The time of day and days of week will be considered as part of the conditional uses process. A condition of approval is attached that the text amendment be revised to include a provision that the applicant identify the time and days of week of the tour operations).*
3. Consider minimum age restriction. *(As noted in the background section of this staff report, the City Attorney's Office is processing a City initiated text amendment that also addresses the use of these devices within the City, which is being processed concurrently with the privately initiated LDR text amendment. This ordinance includes a provision that indicates that persons must be at least 14 years of age and/or 100 pounds in weight, and/or as limited by the applicant's insurance company requirements, and/or pursuant to the Segway manufacturer's specifications).*

Downtown Development Authority (DDA):

1. Better definition of what a Segway is (an expanded definition of EPAMD's has been added with staff's recommended version of the LDR text amendment).
2. Explore what other cities are doing (a significant portion of the staff version of the ordinance is based on the Sanibel, FL ordinance that addresses these uses).
3. Greater limitation to the number of tours and the number of participants allowed per tour (the impact of the number of tours and number of participants per tour will be part of the consideration of the text amendment by the P&Z Board and City Commission).
4. Specify where they are allowed to operate (the operating boundaries have been refined under the revised versions of the ordinance).
5. Need times, conditions, frequency (see no. 3. above).
6. Obtain a recommendation from the Police Department. (The Police Department representatives to the WARC Board reviewed and provided comments on the ordinance).
7. Have the City Attorney's office provide a complete opinion on the (liability??) (the City Attorney's Office is aware of the proposed LDR text amendment and will provide the opinion in accordance with direction by the City Commission).

West Atlantic Redevelopment Coalition (WARC):

1. The LDR text amendment needs to include a provision that exempts public safety use (i.e. Police Department and Fire Department) from the limitations on the use of these devices. (This is a privately initiated LDR text amendment that deals with tour operators only. The exemption will be included in the citywide ordinance).
2. The WARC is concerned that the LDR text amendment does not adequately address the use of privately owned/operated devices. (As noted previously, the City Attorney's Office is processing a City initiated amendment that addresses privately owned EPAMD's).

Mr Glickstein inquired after the Downtown Development Authority's review what did they decide. Mr. McDonnell advised they recommended approval. Mr. Glickstein advised he was unclear as to where they are restricted. The staff report is different than Exhibit A. I don't see Casuarina Way in the ordinance. Mr. McDonnell advised Exhibit "A" is what was presented privately by the applicant. It is one prepared by the applicant and we inserted our added language rather than do a separate ordinance. Mr. Glickstein the language in the staff report is in addition to what is in the ordinance. They are not allowed on A1A; their limitation is the west side of A1A on the first block. There are no sidewalks on the west block of A1A, and there is a gap there. How can they get to a portion of sidewalk that they can operate on because they are restricted? If they can't operate on the west side for the first block they can't get beyond that point any way.

Dr. Spodak inquired if the operator had a proposed route. Mr. McDonnell advised they have to submit a proposed route based on our restrictions.

Mr. Miller advised we have separate issues: 1) operation of these vehicles in general, and 2) vehicles touring. Mr. McDonnell advised this just addresses the tours. The balance will be addressed in a City ordinance.

Mr. Glickstein advised if the City is grappling with the use of these in pedestrian right-of-ways and we are dealing with this with a greater number of these in pedestrian right-of-

ways. Mr. McDonnell advised a light of the underlying language is a reflection in the other City ordinance that is being prepared.

Mr. Miller inquired what sidewalks would they not be allowed on. Mr. McDonnell advised they are not allowed on Atlantic Avenue and Pineapple Grove Way. Mr. Glickstein advised they could start the tour someplace on A1A. Mr. McDonnell advised in the CBD on a sidewalk. Mr. Miller advised to get to A1A they would have to go through George Bush Boulevard. Mr. McDonnell advised you can't ride over the bridge.

Applicant:

Michael Listick, Esquire, representing the applicant, advised the applicant is here and has an existing business in Richmond, Virginia. I went into the Planning Department with Mr. Perez and was told he could do it and the Chamber of Commerce had a ribbon cutting ceremony. He opened the business and then he was told he could not do it. There is a State statute that deals with this and makes it legal up to 25 miles per hour. My client is an experienced tour guide. For the most part, what we are talking about is safety today. I am not sure we have the background regarding safety. The way these conditions came about - we had a meeting with Mr. Paul Dorling, and Ms. Lula Butler discussing what would be the procedure to obtain approval of the route for this many people. The Planning Department embellished them. We agree with 90% of the conditions. The ones I think are overzealous and need tweaking are listed below. Mr. Shutt and I had an understanding that we are going to meet and discuss the ordinance in progress. It has not been finalized as yet.

1. Page 3 - two people on the same tour. There must be an additional person. There are not going to be groups that big. We said that no group will be more than a certain number of people. If we follow this we could have twenty-seven people in a serpentine.

Mr. Glickstein advised that Mr. Listick said there could be a serpentine but the ordinance is defining nine as the maximum. If you limit it to nine you don't need two people accompanying the tour guide? Mr. Listick advised he is not sure if Mr. Glickstein or he had the expertise. We make a general recommendation of approval with a notation that you would like the safety items reviewed and tweaked. Mr. Glickstein mentioned in regard to age or pound restriction, you want to defer to the operator. Mr. Listick advised the company had 18,000 trips in the last three years in Virginia. Mr. Carney advised there are no sidewalks and there is no problem on his street. If there is no sidewalk then you can use the street. I don't see the point that staff has put in that you can only use sidewalks. Section (c) (4) - I think there is a safety issue - you picture people jogging. I questioned my client what he does when they go on A1A and he advised they go slow and they are careful. I would restrict the speeding. My business partner, Mark Krall, rollerblades there every day. Four studies on safety were done and it is no more unsafe than a jogging or riding a bike. My client has an operation in Richmond, Virginia in the historic district. There have been three accidents with people panicking and jumping off the unit, but there are no pedestrian accidents. There are 438 Segway businesses around the world, and no one seems to get hurt. Image is not the reality. We came up with the idea of one block north or south of Boston's. There are hands on personal instruction. Give us the approval and let's move on and suggest on these few things and allow us to go on streets where there are no sidewalks and on A1A on the east side with a speed of 7 miles per hour. Only the tour leader needs a bell. I don't see at this point allowing it on Pineapple Grove Way.

Mr. Glickstein inquired how you get the 9 Segways to a central point. Mr. Listick advised some states have a general meeting place. Mr. Listick advised there is an alley behind his shop. Staying off the sidewalk is not an issue. The routes must be approved when you go for a Conditional Use. Does the route cover all the historic districts west of Swinton Avenue? All the routes would be approved but we could add more routes at another time.

Mr. Glickstein advised he has seen them operate but has never been on one. Is there really a need in Delray Beach for them? Are there enough places to see in Delray Beach?

Mr. Buck Ward, Segway Tours of Delray, advised they have found an attractive route that comprises a one hour tour. There is a lot of history north over to Bankers Row to Swinton and then south to Old School Square and back to Pineapple Grove where it started, and then cross over Route 1 to Palm Trail along the intracoastal. During Christmas time we did at least ten trips with three generation groups.

Mr. Glickstein inquired in terms of simplicity can someone jump on them and just go. Mr. Ward advised 99% of people have never been on a Segway before. There are ten to eighty-three year olds that have been on Segways. We go through basic instructions with one person at a time. It is all about weight distribution. There is a slight slope behind our location so that we see how it is going down a slight slope and track along the pavement. They get basic instruction before they go out. There have been cases where people are too timid and don't want to do it. We tell them they are not appropriate for this.

Mr. Durden inquired why the West Settlers area was not included. Mr. Ward advised they think it is a great area and we will go into that area as well. We will have five or six tours and people can chose which one they would like to go on.

Mr. Durden inquired of Mark what kind of research was done by the Department in order to come up with the guidelines. Mr. McDonnell advised we looked at an ordinance in Sanibel, FL.

Mr. Miller advised his concern was no access to streets and sidewalks. There should be a mechanism so we can add extra routes. San Francisco has a twelve year old age group and those streets are more challenging than Delray Beach. My recommendation is to stay until we put a plan together.

Mr. Glickstein advised giving them approval tonight gets them nowhere. Especially if they have to come back to Planning and Zoning for their route approval. That could be done administratively. Unless they have a route that works for them it is meaningless.

Ms. Pyburn advised under the LDRs it is not allowed as a use. It is prohibited. The first step is to allow it. The second step to apply for a Conditional Use. We want you to move this forward so we can apply for a Conditional Use. If direction is given it will help everyone. If you want to table it and you can suggest staff look at it more closely with a combined ordinance for all uses. The applicant is saying we would like for you to approve it and tweak it later. That is why it is coming to your piecemeal.

Inquiry was made as to how this had been handled in the past. Ms. Pyburn advised the Delray Beach policy are using Segways for special events. They did allow this business to open. I do not know the situation but I do know previously there were problems.

Mr. Listick advised the City Ordinance has previously allowed us in the City by City owned Segways.

Mr. Glickstein advised he does not have a problem with Segways or tours; my concern is with where they operate. Where they operate is the paramount thing. I am not necessarily looking at this company I am looking at the next two or three years and they are operating 300 feet away and we have tours of Segways running through residential neighborhoods. I would like to see you open for business but I am concerned about the route. Most of the things you said are a little onerous. I feel uncomfortable agreeing to this before I know where they are operating in the most important portion of A1A. I am not comfortable with seeing nine people going down A1A in packs. The route is important.

Mr. Durden advised he was concerned with the process and procedures. We need to decide if we are going to have it or not and then work on the criteria.

Ms. Pyburn advised she wanted to reiterate before you this is an amendment to the CBD area.

Mr. Glickstein inquired why we should restrict them on Pineapple Grove Way. They can stop and get something to eat and drink but touring down A1A is not acceptable to me. On Pineapple Grove Way a tour of nine people going down the sidewalk is aesthetically pleasing. However, I don't know how the residents are going to feel if they tour Palm Trail. I am not in support of this now as it is disjointed. I do not see where this approval gets them any closer.

Mr. Listick advised when we met with staff and Ms. Butler they said we are in favor of what you are doing, but we want to put restrictions in place. They sent me a letter to add more restrictions with the exception of bringing it along A1A (first block). This is a conditional use. I don't think it belongs in the conditional use statute.

Mr. Glickstein advised he thinks Mr. Listick is suggesting if we blow this all the safety measures are coming in as one package as opposed to what we have right now. All the details have to be in place. Something as general as we are approving the operation of use, and tours subject to route approvals.

Dr. Spodak inquired if we could recommend an action that Mr. Glickstein stated. Mr. Glickstein advised I am trying to accomplish making it an approved use subject to criteria that would be part of the conditional use application. Mr. Pyburn advised you could do that and have staff work with the applicant regarding language that is acceptable to both parties and then take that to City Commission or you can request it come back to Planning and Zoning. Mr. Glickstein inquired if they had to come back to this Board for a conditional use. Ms. Pyburn advised if you approve it and state your objections and then direct staff to work with the applicant before going to City Commission.

Mr. Miller advised he does not think this as written defines anything, and I don't think anyone is happy with this.

Mr. Durden asked Ms. Pyburn if we approve it what exactly are we approving. Ms. Pyburn advised you can approve it with certain changes; however, you only have four Board members present tonight.

Dr. Spodak inquired if there was a way to get to a conditional use. If we table this we are not getting anywhere. I don't think it is a bad thing for the City. Maybe we can craft something that we can get to the conditional use with more details.

Mr. Glickstein advised the language could be: Approve the Segway tours subject to the individual use and then later adding safety procedures. Mr. Miller advised there needs to be some specific parameters. Mr. Glickstein was concerned with safety procedures, routes, logistical operational concerns, and expanding the route administratively. This is the first company doing this in the City. Mr. Miller advised if we approve anything tonight it is still subject to the City initiated LDR amendment. Ms. Pyburn advised if you approve anything tonight it will go to City Commission. The City ordinance is separate but it has some parts consistent with what is proposed here. I believe there are two separate ordinances. Mr. Glickstein inquired if there had to be two ordinances. Mr. Listick advised the State law says you can separate them on any public right-of-way as long as it does not go more than twenty-five miles per hour. We need an LDR amendment to conduct tours. Mr. Glickstein advised the Board is saying they are OK with Segway tours as a conditional use subject to all State laws.

Motion:

Motion made by Mr. Glickstein, seconded by Mr. Durden, and approved 3 to 1 (Mr. Miller dissented, Mr. Jacquet and Mr. Connor absent) to move a recommendation of approval to the City Commission for the text amendment to add LDR Section 4.4.13(D)(22)[EPAMD Tour Operators] and to add LDR Section 4.3.3(ZZZZ) [Special Requirements for Specific Uses], by adopting the findings of fact and law contained in the Staff Report and finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M)(5), subject to conditions to be worked out by staff and the following: The Planning and Zoning Board felt that staff's version of the ordinance was too restrictive and that many of special regulations such as safety procedures, routes, logistics, and operational concerns should be shifted to items reviewed as part of the conditional use approval process rather than specifically identified as a special regulation. The Board also felt that new or amended routes after the initial conditional use should be considered and approved administratively by staff rather than as a conditional use modification. It is noted that most of staff's additional special regulations mirror the citywide ordinance and therefore would be applicable upon its adoption regardless of staff's recommendation.

V. REPORTS AND COMMENTS:

A. Board Members

- Parking Management Advisory Board (PMAB) – Mr. Krall advised the next meeting was scheduled for Tuesday, January 25, 2011.

B. Staff

Meeting Dates for February

City Commission Meetings

Tuesday, February 1, 2011, City Commission Regular Meeting, 6:00 p.m., City Commission Chambers

Tuesday, February 15, 2011, City Commission Regular Meeting, 6:00 p.m., City Commission Chambers

Planning and Zoning Board Meeting

Monday, February 28, 2011, Planning and Zoning Board Regular Meeting, 6:00 p.m., City Commission Chambers:

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1. Privately initiated Future Land Use Map amendment from (Medium Density Residential 5-12du/ac) to GC (General Commercial) and rezoning from RM (Medium Density Residential) to AC (Automotive Commercial) for a 0.287 acre parcel located immediately east of the existing Presidential Auto Leasing and Sales, located at the southeast corner of South Federal Highway and Avenue "L".
2. City initiated amendment to the Land Development Regulations creating a Medical Arts Overlay District by modifying several Sections to the LDRs

C. Board Members

VII. ADJOURN

The meeting adjourned at 8:00 p.m.

The undersigned is the Secretary of the Planning and Zoning Board and the information provided herein is the Minutes of the meeting of said body for January 24, 2011 which was formally adopted and approved by the Board on March 21, 2011.

*Denise A. Valek*

Denise A. Valek, Executive Assistant

If the Minutes that you have received are not completed as indicated above, then this means that these are not the official Minutes. They will become so after review and approval, which may involve some changes.