

## MEMORANDUM

DATE: June 6, 2012

TO: Honorable Mayor and Town Commission

THROUGH: Dave Bullock, Town Manager

FROM: Ric Hartman, Planner  
Planning and Zoning Board

SUBJECT: ORDINANCE 2012-06, COMPREHENSIVE PLAN AMENDMENT  
TOWN COMMISSION REVISIONS FOR WHITNEY BEACH OVERLAY

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During the public hearing held on June 4, 2012, the Town Commission directed staff to re-insert all previously deleted references to the Whitney Beach Overlay, except for language allowing for additional height. As a result of these directions, staff reinserted into the proposed amendments to the Future Land Use Element the following:

- a description of the overlay subsection 11 in Policy 1.1.10,
- proposed Policy 1.6.2,
- the words "...and Whitney Beach..." in Policy 1.6.3,
- the map of the overlay area shown as Figure 3, and
- the identification of the overlay area on the Future Land Use Map.

In addition, staff reintroduced a sentence referring to the overlay area in Section VI., and added the identification of the overlay area on the existing and proposed Future Land Use Maps in the Future Land Use Supplemental Data and Analysis (D&A). Staff requests Commission direction as to the following proposed deletion in Section VI. of the D&A,

"The Map also indicates the Whitney Beach overlay area within which the Town encourages revitalization through the availability of flexible land use techniques and additional available height and lot coverage." Staff believes that the commission intended to delete this language referencing additional height in the overlay from the D&A.

All revisions are shown as double struck through (deleted) or double underlined (added) and highlighted in light blue for ease of identification.

ORDINANCE 2012-06

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, APPROVING FOR ADOPTION AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN AS REQUIRED BY SECTION 163.3184(3), FLORIDA STATUTES, BY AMENDING THE FUTURE LAND USE ELEMENT, INCLUDING THE FUTURE LAND USE MAP AND SUPPORTING DATA AND ANALYSIS; AMENDING THE TRANSPORTATION ELEMENT INCLUDING SUPPORTING DATA AND ANALYSIS; AMENDING THE RECREATION AND OPEN SPACE ELEMENT INCLUDING SUPPORTING DATA AND ANALYSIS; AMENDING THE INFRASTRUCTURE ELEMENT – STORMWATER; AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT; AND AMENDING THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, a goal of the Town of Longboat Key's Comprehensive Plan is to preserve and enhance the character of the Town of Longboat Key by ensuring that land uses are responsive to the social and economic needs of the communities and are consistent with the support capabilities of the natural and manmade systems, and to maintain an environment that is conducive to the health, safety, welfare, and property values of the Town; and

**WHEREAS**, the Town Commission desires to continue to improve traffic conditions on the island by replacing transportation concurrency with traffic analysis methods more adequate for local conditions; and

**WHEREAS**, the Town Commission seeks to enhance the mobility of its citizens and visitors through support for multimodal forms of travel within its boundaries and in adjacent jurisdictions; and

**WHEREAS**, the Town Commission wishes to support the economic revitalization of businesses and the redevelopment of under-utilized commercial areas on the island with incentives; and

**WHEREAS**, the Town Commission finds that low impact development methods for the retention of stormwater help enhance the natural environment and protect the island's natural resources and surrounding waters; and

**WHEREAS**, the Town proposes to amend the Future Land Use Element, the Transportation Element, the Infrastructure Element - Stormwater, the Intergovernmental Element, and the Capital Improvements Element in the Comprehensive Plan in order to provide support for the pursuit of these goals; and

**WHEREAS**, the Community Planning Act (Sections 163.3161 through 163.32466, Florida Statutes), authorizes and requires the Town of Longboat Key to adopt and amend a Comprehensive Plan in accordance with the Act; and

**WHEREAS**, Section 163.3184, Florida Statutes, requires that the Town transmit the proposed Comprehensive Plan amendments to the state land planning agency, as well as other specified agencies and parties; and

**WHEREAS**, pursuant to the Community Planning Act, the Code for the Town of Longboat Key, Chapter 33, designates the Town of Longboat Key Planning and Zoning Board as the local planning agency, responsible for the preparation of the local Comprehensive Plan and amendments thereto; and

**WHEREAS**, on November 17, 2011, the Town held a public hearing on the proposed Comprehensive Plan amendments and approved Resolution 2011-26 authorizing the transmittal of the amendments to the Department of Economic Opportunity as the state land planning agency for review; and

**WHEREAS**, on December 22, 2011, the Department of Economic Opportunity issued a letter to the Town raising no objections to the proposed Comprehensive Plan amendments; and

**WHEREAS**, the Town has considered the letter from the Department of Community Affairs and comments from the public and review agencies; and

**WHEREAS**, the Town Planning and Zoning Board, as the local planning agency, held a public hearing on February 21, 2012, to consider the proposed Comprehensive Plan amendments, which were conducted in a manner that afforded public participation to the fullest extent possible for the review of the Comprehensive Plan amendments, and provided recommendations to the Town Commission as the local governing body; and

**WHEREAS**, after due public notice, the Town Commission held a workshop on March 21, 2012, and public hearings on May 7, 2012, June 4, 2012, and June 21, 2012, which were conducted in a manner affording public participation to the fullest extent possible, for transmittal of the amended Future Land Use Element, amended Transportation Element, amended Recreation and Open Space Element, amended Infrastructure Element, amended Intergovernmental Element, and amended Capital Improvements Element; and

**WHEREAS**, the Town Commission of the Town of Longboat Key, after due public hearing, wishes to adopt the Comprehensive Plan amendments as previously proposed and transmit them to the Florida Department of Community Affairs for final review and approval pursuant to Chapter 163, Part II, Florida Statutes.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:**

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. The Comprehensive Plan amendments and supplemental Data and Analysis attached hereto and incorporated herein as Exhibits "A" through "J" are hereby adopted by the Town of Longboat Key.

SECTION 3. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 4. This Ordinance becomes effective upon adoption in accordance with Law and the Charter of the Town of Longboat Key.

Passed on the first reading and public hearing the 7<sup>th</sup> day of May, 2012.

Adopted on the second reading and public hearing the      day of June, 2012.

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James L. Brown, Mayor

ATTEST:

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Trish Granger, Town Clerk

Exhibits:

- Exhibit A: Amended Future Land Use Element, including Future Land Use Map;
- Exhibit B: Amended Transportation Element;
- Exhibit C: Amended Recreation and Open Space Element;
- Exhibit D: Amended Infrastructure Element - Stormwater;
- Exhibit E: Amended Intergovernmental Coordination Element;
- Exhibit F: Amended Capital Improvements Element;
- Exhibit G: Amended Future Land Use Element, Supporting Data and Analysis;
- Exhibit H: Amended Transportation Element, Supporting Data and Analysis;
- Exhibit I: Amended Recreation and Open Space Element, Supporting Data and Analysis; and
- Exhibit J: Amended Intergovernmental Coordination Element, Supporting Data and Analysis.

## MEMORANDUM

**DATE:** May 9, 2012

**TO:** Honorable Mayor and Town Commission

**THROUGH:** Dave Bullock, Town Manager

**FROM:** Ric Hartman, Planner  
Planning and Zoning Board

**SUBJECT:** ORDINANCE 2012-06, COMPREHENSIVE PLAN AMENDMENT  
TOWN COMMISSION REVISIONS FOR SECOND READING

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During the public hearing held on May 7, 2012, the Town Commission directed staff to delete all references to the Whitney Beach Overlay. As a result of these directions, staff deleted from the proposed amendments to the Future Land Use Element subsection 11 in Policy 1.1.10, proposed Policy 1.6.2, the words "...and Whitney Beach..." in Policy 1.6.3, the map of the overlay area shown as Figure 3, and the identification of the overlay area on the Future Land Use Map. In addition, staff deleted from the Future Land Use Supplemental Data and Analysis a sentence referring to the overlay area from Section VI., and the identification of the overlay area on the existing and proposed Future Land Use Maps.

The Commission also directed staff to change the word "will" to "may" in two places in Policy 1.6.1. All revisions are shown as double struck through (deleted) or double underlined (added) and highlighted in light blue for ease of identification.

MEMORANDUM

DATE: April 26, 2012

TO: Honorable Mayor and Town Commission

THROUGH: Dave Bullock, Town Manager

FROM: BJ Webb, Chair  
Planning and Zoning Board

**SUBJECT: ORDINANCE 2012-06, COMPREHENSIVE PLAN AMENDMENTS**

During the public hearing held on March 27, 2012, the Planning and Zoning Board recommended APPROVAL of Ordinance 2012-06, subject to the removal of the amendments to the first paragraph of the Future Land Use Element, Policy 1.1.10, from the document for future consideration, and forward the remainder of the ordinance to the Town Commission. The specific motion of the P&Z Board is as follows:

**MR. WILD MOVED TO EXCLUDE AMENDMENTS TO THE FIRST PARAGRAPH OF POLICY 1.1.10 FROM THE DOCUMENT AND FORWARD THE REMAINDER OF THE DOCUMENT TO THE TOWN COMMISSION. MS. GOLDNER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.**

Enclosed, for your review and consideration, please find the following support documentation:

1. Ordinance 2012-06;
2. Memo, dated 3-13-12, Planner to Planning & Zoning Board;
3. Memo, dated 2-15-12, Planner to Planning & Zoning Board; and
3. Draft minutes from the 3-27-12 regular P&Z Board meeting on this issue.

If you should have any questions, or desire any additional information, please do not hesitate to contact me.

BJW/dmc

## MEMORANDUM

DATE: March 13, 2012

TO: Planning and Zoning Board

FROM: Ric Hartman, Planner  
Planning, Zoning and Building Department

RE : Town of Longboat Key Comprehensive Plan Amendment  
Adoption of the Comprehensive Plan Amendments

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During the February 21, 2012, Planning and Zoning Board meeting, the board continued the hearing on Ordinance 2012-06 until the March 27, 2012, meeting in order to obtain additional information from the Town's consultant on telecommunications towers because Future Land Use Element Policy 1.1.10 proposes to add the term "tower" to the list of structures whose height will be defined in the LDRs, not the Comprehensive Plan, as follows:

Policy 1.1.10

*The Future Land Use Map, Figure 2, shall contain the following future land use categories, which are further detailed in and implemented by the land development regulations. Table 1 illustrates the maximum densities and intensities of development for each future land use category. Height restrictions for each category shall not apply to antennae, enclosed elevator shafts, enclosed stairwells and their parapet walls, enclosed mechanical equipment areas, towers, chimneys, or house of worship spires, or towers, but the Town land development regulations shall limit their height.*

Staff discussed with the Town Manager and Town Attorney separating Policy 1.1.10 from the overall ordinance in order to allow the remainder of the Comprehensive Plan amendments to move forward to the Town Commission; however, after further discussion by staff, there does not seem to be a reason to draft an amended ordinance. It is hoped that the Planning & Zoning Board will act on the amendments in their entirety after hearing a presentation by the consultant at their March meeting, but regardless, the board's recommendation can move forward without the need for a second ordinance.

If the board wishes to withhold a recommendation on Policy 1.1.10 of the Future Land Use Element, then the board can make that motion at their meeting. Subsequently, the Town Commission will be presented with the board's recommendation and the

ordinance at their May 7, 2012, meeting. The ordinance will show the proposed amended language in Policy 1.1.10 as double strike-through, as the Town Commission is always provided with the same materials as presented to the P&Z Board. The cover memorandum to the Town Commission will outline the board's concerns in recommending that the amended Policy 1.1.0 not be approved until the consultant's report is finalized. At the time the Town Commission considers the Comprehensive Plan amendments, along with the P&Z Board's recommendations, at their May 7<sup>th</sup> meeting, the consultant's report should be finalized.

M E M O R A N D U M

DATE: February 15, 2012

TO: Planning and Zoning Board

FROM: Ric Hartman, Planner  
Planning, Zoning and Building Department

RE : Town of Longboat Key Comprehensive Plan Amendment  
Adoption of the Comprehensive Plan Amendments

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On November 23, 2011, the town transmitted Resolution 2011-26, which amended the Future Land Use Element, Transportation Element, Recreation and Open Space Element, Infrastructure Element, Intergovernmental Element, and the Capital Improvements Element (CIE) of the Comprehensive Plan and the supporting Data & Analysis (D&A), to the state Department of Economic Opportunity (DEO) and other statutorily mandated agencies and governments for review. The DEO and other agencies had no objections and one comment suggesting revising Transportation Element Policy 1.1.7.2. to be consistent with the other policies in regards to a future mobility plan. The DEO letter is attached. After discussing proposed language with DEO, staff placed the revised language in 1.1.7.1 Action 2: The revision made is:

Action 2: The Town will annually monitor the mobility plan and collection of fees. If the Town adopts mobility fees and if the ~~When~~ fees or contributions collected are sufficient to fund a portion or all of a needed improvement from the mobility plan, Town staff will prepare a Proposed Action memo for Town Commission approval to fund the identified project.

All revisions are in legislative format (strike-through/underlined) and highlighted in yellow.

AGENDA ITEM #3  
ORDINANCE 2012-06, COMPREHENSIVE PLAN AMENDMENTS  
Continued from the February 21, 2012 Meeting

Pursuant to published notice, the public hearing was opened.

Chair Webb referred to Policy 1.1.10 and commented that during the previous meeting, the board had indicated that item would be tabled until the board received a complete report from the telecommunication consultant.

Ric Hartman, Planner, commented the board's direction was whether the board wanted to recommend including certain standards for personal wireless service towers within the comprehensive plan or the land development regulations (LDRs). The board felt they could not make a decision until they had the information from the final report, or at least, the standards that would be recommended by the consultant. The key question was what to do with the comprehensive plan amendments in order to move forward for adoption, and if the board was not ready, he would suggest deleting Policy 1.1.10 of the Future Land Use element (FLUE) from the amendments and bringing it back as a separate ordinance for recommendation pending the final report from the consultant. The remainder of the elements and amendments that had been processed through the transmittal stage, and not subject to comments, would be moved forward to the Town Commission for first reading. The state would strongly prefer that they both be adopted at the same time, and he believed there was ability for the two items to be brought to the Town Commission at the same time.

Attorney Persson agreed. He commented if the board wished to have more information on telecommunications before addressing Policy 1.1.10, then he would agree they should hold a decision on Policy 1.1.10 and move the remainder forward to the Town Commission. He noted the policy was only going to establish height restrictions within the LDRs.

**MR. GARNER MOVED THE P&Z BOARD FORWARD THE ENTIRE ORDINANCE FORWARD TO THE TOWN COMMISSION SO THE BOARD COULD COMPLETE THEIR WORK ON THE COMPREHENSIVE PLAN AND LEAVE THE FINAL DECISION IN THE LDR DEFINITION FOR THE FUTURE. MR. SYMANSKI SECONDED THE MOTION.**

Mr. Wild misunderstood as he thought it would be more appropriate to remove Policy 1.1.10 and forward the remainder of the ordinance. Chair Webb pointed out the motion was to move forward the entire document as a complete packet. Mr. Garner explained that he understood Attorney Persson's recommendation as an alternative. The board would still need to make a decision, and there was no reason the board should not move the entire comprehensive plan forward to the Town Commission, including altering the definition of a tower in the LDRs. They were not making a commitment, but noting that if someone wished to determine the limitations or guidelines, then they would refer to the LDRs, not the comprehensive plan.

Craig Walters, 690 Hibiscus Way, voiced concern with Ordinance 2012-06 and the sections dealing with the Whitney Beach Overlay. He requested the amendments to the Whitney Beach Overlay be removed and that a further study be provided on the impacts from traffic and environmental concerns. He was concerned with expanding the complex.

Gene Jaleski, 671 Cedar Street, commented that he had sent a copy of the Whitney Beach Overlay to an acquaintance, who retired from a city in New York State, and who provided comments related to the overlay plan, consolidation of lots, and density. He requested disclosure from the board if any members had any outside communications, or knowledge of, any person or persons actively interested in developing the commercial properties at the north end.

Ronald Platt, 6211 Gulf of Mexico Drive, referred to the consultant's report and commented that the location proposed for a tower was an area of estate homes and quite different than industrial, or a main road where a tower might be more appropriate. He hoped that the final report would include reference to the environment and also that it was relevant, including the ambience of the area. He would like to see the survey thrown out, or disregarded, because he believed it was unprofessional and not reliable.

Mr. Furen commented they concurred with staff's recommendation to separate Policy 1.1.10 from the amendments and forward the remainder of the amendments to the Town Commission. He did not understand why the board would consider adopting an amendment to the existing comprehensive plan, which he believed was clearly to allow a pending cell tower application in the middle of a residential neighborhood. He noted there was no need to move forward until such time the study was concluded as it might result in a total rewrite of the cell tower ordinance.

Samir Ragheb, 7015 Bayside Drive, supported the statements from Craig Walters and agreed the board should address the Whitney Beach Overlay at a later meeting. He explained that the Town Commission, along with Joel Freedman, planning consultant, had studied the need for commercial several years ago and concluded the island had too many businesses for the population to support.

George Spoll, 1900 Harbourside Drive, referred to the survey and commented that the question of reception within the buildings was very important. There needed to be a definition and understanding of the building styles on the island. Frame buildings had one type of resistance, but many of the buildings were masonry and steel reinforced, which restricted cell service.

Charlie Bailey, attorney representing Grand Mariner on Longboat Key, LLC, discussed Policy 1.1.10. He wished to ensure that when the Town received the information from TE Connectivity that consideration be given to Town-owned sites for the facilities. He also wanted to ensure the scope of work was not too narrow so it did not consider multi-jurisdictional solutions. He understood TE Connectivity was well known, but the tower regulations were within the Zoning Code as a planning document, so it was important when they come back with a solution, or recommendation, that it was compatible with the surrounding land uses. He reiterated that the board, at their November 15, 2011,

meeting, deferred the recommendation on Policy 1.1.10 until they received the report from TE Connectivity.

Mr. Hixon questioned if there was a conflict on his part since he had worked extensively with Mr. Bailey's law firm. Attorney Persson asked if Mr. Hixon received legal services from Williams, Parker Law Firm. Mr. Hixon replied yes. Attorney Persson questioned if the relationship with the firm related to estate planning purposes. Mr. Hixon replied yes. Attorney Persson asked if Mr. Hixon could provide a fair and impartial decision to which Mr. Hixon replied yes. Attorney Persson requested if anyone had any objections with Mr. Hixon participating and none were noted.

Mr. Garner discussed his motion noting that a comprehensive plan was a 'road map,' and provided the intentions for the beneficial use of all the properties. He mentioned that it was not designated as a Zoning Code, and his motion was to take the definition of a 'tower' out of the comprehensive plan and place it in the LDRs. He did not wish for someone to refer to the Comprehensive Plan for the definition of 'tower,' but only refer that person to the LDRs.

Mr. Symanski believed he heard that staff was recommending not moving forward with Policy 1.1.10 at this time. Mr. Hartman explained the discussion of separating Policy 1.1.10 from the remaining amendments was offered as an alternative, or suggestion, and not recommendation. Mr. Symanski asked if it was an accurate statement that staff was recommending against moving forward with Policy 1.1.10 included in the document. Mr. Hartman responded he was suggesting that the board move Policy 1.1.10 with the other amendments, because the board would have an opportunity to write specific regulations in the LDRs, rather than within the comprehensive plan.

Mr. Furen commented there was no definition in the comprehensive plan for telecommunication tower, and there would be no definition in Policy 1.1.10 if adopted. He believed the amendment would remove any height restrictions on towers that were presently contained in the comprehensive plan. He reminded the board there was a pending tower application awaiting for this comprehensive plan amendment to be adopted so the applicant can move forward with their submittal. He urged the board to not consider this policy until they received a completed report from the consultant.

Mr. Hixon commented that staff had suggested that one option might be to delete Policy 1.1.10 until the Town received the final report from the consultant. He would be more comfortable if the policy was deleted from the remainder of the amendments. Mr. Hartman responded he was suggesting deletion of the recommended revisions to Policy 1.1.10, not deletion of the entire policy. Mr. Garner disagreed with Mr. Furen's interpretation of the policy.

Mr. Hackett recalled several years ago that the board recommended that staff look into the possibility of the Village area becoming an historic district, and questioned the status of that request. Steve Schield, Planner, explained there was a small district that bordered Broadway Street; however, there were no conditions or requirements for a special tax district. A survey was completed years ago on historic structures within the Village area, but he was not sure of the tax implications.

Chair Webb commented that during the previous meeting she had felt strongly that if the Town was going to the expense of hiring a consultant, she would like to hear the report before making a decision on any policy. She did not see any problem with excluding Policy 1.1.10 from the document until such time the board received a final report from the consultant.

**MOTION TO MOVE ENTIRE DOCUMENT FORWARD AS WRITTEN FAILED ON ROLL CALL VOTE: ALPERS, NO; DALY, NO; GARNER, AYE; GOLDNER, NO; HACKETT, NO; HIXON, NO; SYMANSKI, AYE; WEBB, NO; WILD, NO.**

**MR. WILD MOVED TO EXCLUDE AMENDMENTS TO THE FIRST PARAGRAPH OF POLICY 1.1.10 FROM THE DOCUMENT AND FORWARD THE REMAINDER OF THE DOCUMENT TO THE TOWN COMMISSION. MS. GOLDNER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.**

AGENDA ITEM #4  
CONSENT AGENDA

**MR. GARNER MOVED APPROVAL OF THE MINUTES OF THE FEBRUARY 21, 2012, MEETING AND SETTING THE FUTURE MEETING DATE FOR APRIL 17, 2012. MR. SYMANSKI SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; DALY, AYE; GARNER, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.**

STAFF UPDATES

Mr. Hartman commented that if the telecommunication consultant's report was not presented until the April 19, 2012, Town Commission workshop, then materials would not be available for the April P&Z Board meeting. As a result, it would be provided to the board at their May 15, 2012, regular meeting, which would still allow time for staff to forward to the Town Commission for consideration and review before the June 28, 2012, deadline. Chair Webb requested that a copy of the full report be provided to the board prior to the April 19<sup>th</sup> meeting.

ADJOURNMENT

The meeting was adjourned at 11:06 am.

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John Wild, Secretary  
Planning and Zoning Board