

TOWN OF LONGBOAT KEY
PLANNING AND ZONING BOARD
MINUTES OF REGULAR MEETING

SEPTEMBER 18, 2012

The regular meeting of the Planning and Zoning Board was called to order at 9:00 AM.

Members Present: Chair BJ Webb, Vice Chair Allen Hixon, Secretary John Wild, Members Andrew Aitken, Jack Daly, Laurin Goldner, Walter Hackett, George Symanski

Members Absent: Leonard Garner

Also Present: David Persson, Town Attorney; Robin Meyer, Planning, Zoning & Building Director; Ric Hartman, Planner; Steve Schield, Planner; Donna Chipman, Office Manager

ELECTION OF OFFICERS

Chairman

MR. WILD MOVED TO NOMINATE BJ WEBB AS CHAIR. MS. GOLDNER SECONDED THE MOTION.

There were no other nominations, and the nominations were closed.

MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; DALY, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.

Vice-Chair

MR. SYMANSKI MOVED TO NOMINATE ALLEN HIXON AS VICE-CHAIR. MR. DALY SECONDED THE MOTION.

MR. WILD MOVED TO NOMINATE HIMSELF AS VICE-CHAIR. MS. WEBB SECONDED THE MOTION.

There were no other nominations, and the nominations were closed.

First Vote:

AITKEN, WILD; DALY, HIXON; GOLDNER, WILD; HACKETT, HIXON; HIXON, HIXON; SYMANSKI, HIXON; WEBB, WILD; WILD, WILD.

Second Vote:

AITKEN, WILD; DALY, HIXON; GOLDNER, WILD; HACKETT, HIXON; HIXON, HIXON; SYMANSKI, HIXON; WEBB, WILD; WILD, WILD.

As a result of two tie votes, there was consensus to table election of Vice Chair until the October meeting where it was anticipated that a full board would be in attendance.

Secretary

MR. WILD MOVED TO NOMINATE LAURIN GOLDNER AS SECRETARY. MS. WEBB SECONDED THE MOTION.

There were no other nominations, and the nominations were closed.

MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; DALY, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.

AGENDA ITEM #1

ORDINANCE 2012-13, REZONING 5810 GULF OF MEXICO DRIVE TO OPEN SPACE

Pursuant to published notice, the public hearing was opened.

Ric Hartman, Planner, reviewed the staff report and a PowerPoint presentation noting:

- the property has been Open Space for some time
- there were a couple of administrative changes to the ordinance to make it consistent for the zoning map
- minor revisions to the ordinance in Section 3 to add language to make it clear that the names of the PUDs on the Zoning Map were being revised to Mixed Use Communities (MUC), which was approved through Ordinance 2012-08
- minor revision to refer to Ordinance 2012-13 versus 2009-21 on the Zoning Map

No one else wished to be heard, and the hearing was closed.

MR. WILD MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCE 2012-13 AS AMENDED. MR. SYMANSKI SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; DALY, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.

AGENDA ITEM #2

RESOLUTION 2012-19, TRANSMITTAL OF THE UPDATE TO THE 10-YEAR WATER SUPPLY PLAN

Pursuant to published notice, the public hearing was opened.

Ric Hartman, planner, discussed the staff report noting:

- the update was done every five years
- the Southwest Florida Water Management District (SWFWMD) updated their plan, and the Town was required to update our plan within 18 months from SWFWMD's update

Mr. Aitken referred to Policy 4.2.2, Exhibit 'B,' which discussed potable water capacity and water consumption pointing out that water consumption had gone down. Discussion ensued with staff explaining that the capacity with Manatee County was something the Town should retain; there was a distinction between where they were at now, but when the growth picks up, it was the Town's policy to acknowledge that. Anne Ross, engineer with the Public Works Department, explained that in 2003 the Town went to a tiered rate system so those who used more water paid a higher price; as years went by they have seen some decrease due to the economy. The Town was allowed 2.5 million gallons per day through Manatee County.

The following discussions took place with staff:

- When the Colony Beach and Tennis Resort reopened would there be expansion available for the Longboat Key Club project and other future growth (Staff noted the Colony Beach capacity was already included in the calculations)
- Whether the Town was only paying the actual usage, and not the maximum usage; there was a monthly service fee and a volume fee. The Town was required to pay a certain amount per thousand gallons, and if they went over 2.5 million gallons, the county would impose a penalty
- That the facility fee was a one-time fee if it was shown there was a need, and if it was due to new development, the fee would be paid by the developer
- Concerning Exhibit 'A' in Policy 2.3.3, it discussed future facility sites or necessary rights-of-way and there was concern with the language 'not feasible;' it was suggested the wording be deleted, because it should always be feasible. It was pointed out that the language was included so the Town did not restrict themselves if there was some unknown future need

MR. AITKEN MOVED TO STRIKE THE LAST TWO WORDS, "IF FEASIBLE," FROM THE END OF POLICY 2.3.3 IN OBJECTIVE 2.3. MR. WILD SECONDED THE MOTION.

Mr. Symanski asked if there were any possible future water facility sites. Juan Florensa, Public Works Director, referred to Policy 2.3.3 and pointed out that it provided flexibility to the Town. He explained that if a development developed their street system, it allowed the applicant the flexibility to work with the Town so the right-of-way (ROW) could be accommodated without the Town having to pay for the property, or require someone to move something out of the way. Mr. Symanski believed the ordinance was referring to on-site, but if the language was removed, then the Town was ordering the applicant to provide the ROW and the Town would have to pay for it. Mr. Florensa responded the Town may or may not have to pay, because it depended upon interpretation.

Mr. Aitken withdrew his motion and Mr. Wild withdrew his second.

MR. WILD MOVED TO RECOMMEND APPROVAL OF RESOLUTION 2012-19 AS WRITTEN. MS. GOLDNER SECONDED THE MOTION.

Mr. Daly referred to Policy 1.1.11 and asked for an explanation as to why it was being proposed for elimination. Ms. Ross explained that Policy 1.1.11 referred to a program that was in place at the Public Works Department for reimbursement to the town residents as they installed rain sensors with irrigation systems. The program was no longer budgeted and had to be removed from the policies.

MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; DALY, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE.

AGENDA ITEM #3
ZONING CODE AMENDMENT
SECTION 158.145, AMENDING THE FOOTNOTES FOR BUILDING HEIGHT

Mr. Hartman reviewed the staff report noting Ordinance 2012-06 amended Policy 1.1.10 of the Future Land Use Element of the Comprehensive Plan. The policy stated that the maximum heights listed for future land use categories in the Comprehensive Plan did not apply to certain structures. The purpose of the discussion was to determine what height the board would like to see for non-habitable appurtenant structures (e.g, spires, and steeples). Mr. Aitken commented that at one of the religious facilities there was a proposal for a cell tower and asked if that was one of the rules being discussed. Mr. Hartman noted the board and Town had removed the word 'tower' because it strictly applied to a cellular facility. This ordinance was to apply to other types of structures, unless the board wished to include it in their recommendation.

Discussion ensued on the following points:

- That suggested option #3 (page 3 of 4 of the staff report) provided flexibility on a case-by-case basis depending on the size of the site and location
- The possibility of using the word 'Carillon' if the word 'tower' was removed, because a Carillon could be a place to hide a cell facility and possibly place a height restriction on that
- What was the concern with limiting the height to the current height plus ten feet if a church wished to place a cross at the top of the spire; staff noted it would currently require a site plan amendment to place a cross on top of the church
- When discussing a bell tower or Carillion, it should apply to all those structures and a campanili (free-standing structure)
- The belief that three out of the four churches on the island have facilities higher than the Town's restrictions and what would happen to their status; staff pointed out those facilities would be grandfathered
- That the board did not wish to make the existing churches nonconforming
- Staff would like to know how the board wished the measurement to be calculated – as a percentage of the height or a maximum height limit

Mr. Symanski asked if the board suggested option three which allowed ten feet above or that additional height might be granted through site plan approval or special exception, would that create any nonconformities based on that revision. David Persson, Town Attorney, explained that the facility would become nonconforming, but they would need a special exception if they had to rebuild; if the facility was existing, and the Town changed the regulations, then when the facility wished to make alterations, there would be a question. Mr. Wild suggested that the language state no house of worship could exceed the current height of the highest facility, then all four churches would fall within that height limitation and it would provide the others a chance to rebuild.

Chair Webb asked if it was the board's recommendation to suggest option #3. Mr. Symanski and Ms. Goldner agreed with Ms. Goldner noting it would provide more flexibility for the Town and churches.

There was consensus to move forward with option #3.

Mr. Hartman asked if the board wished to move forward with option #3 with site plan approval or a special exception. Chair Webb believed it should be through special exception. Mr. Hackett asked if that would make it broader for the applicant. Mr. Hartman responded that it meant the existing steeples had not received special exceptions, and if they wished to redevelop, they would have to come back through the special exception process, and possibly a site plan approval process. Mr. Symanski asked if there would be any difference in the information that staff would have available between a special exception and a site plan. Mr. Hartman explained that a site plan would provide all the information that would be needed.

There was consensus to move forward with option #3 under site plan approval.

AGENDA ITEM #4
CONSENT AGENDA

MR. HIXON MOVED APPROVAL OF THE MINUTES OF THE JUNE 19, 2012, MEETING AND SETTING THE FUTURE MEETING DATE FOR OCTOBER 16, 2012. MR. SYMANSKI SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Mr. Aitken questioned the status of the Longboat Island Chapel cell tower application. Steve Schield, Planner, informed the board a complete application had not been received by the Town at this time. Mr. Aitken pointed out that the application was heard before the Zoning Board of Adjustment during their April 2012 meeting and at that time all the attorneys in attendance had agreed that a complete application would be submitted soon; however, it has now been five months and it was still not complete.

Attorney Persson explained that in the Town Code there was a prohibition of anything higher than 30 feet, which caused a problem in terms of cell towers and needed to be addressed. The Town wants to be able to consider an application and make sure the Town's wireless communication regulations meet state law. Mr. Aitken asked if that was going to be addressed. Attorney Persson pointed out the Town Commission would be having a discussion of wireless communications at their October 15, 2012, workshop. They will be reviewing the laws (federal, state, and local), and if the Town Commission decides to move forward, then something would be brought back to the P&Z Board for review.

ADJOURNMENT

The meeting was adjourned at 10:01 am.

John Wild, Secretary
Planning and Zoning Board