

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

NOVEMBER 20, 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, Leonard Garner, Walter Hackett, George Symanski

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

Chair Webb noted Agenda Item 2 was being removed from the agenda at this time. Further discussion will take place later in the meeting as to the reasons why it was being removed.

AGENDA ITEM #1
ORDINANCE 2012-27, ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS
ELEMENT OF THE COMPREHENSIVE PLAN

Pursuant to published notice, the public hearing was opened.

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

- This was an annual update to the Capital Improvements Element of the Comprehensive Plan
- Modifications to update the five year schedule may be accomplished by ordinance but may not be deemed amendments to the local comprehensive plan
- The ordinance updated information in the plan and the schedule eliminating items listed for 2011 and updating for 2012

MR. WILD MOVED TO RECOMMEND APPROVAL OF ORDINANCE 2012-27. MS. GOLDNER SECONDED THE MOTION.

Mr. Aitken pointed out that the projects being discussed were expensive and believed they might require some discussion by the board. He would like more information and whether there were alternatives available. He believed the justification was to correct existing deficiencies and maintain the adopted level of service (LOS). He asked if the water system under the bridge provided a LOS that was sufficient. Mr. Hartman responded the levels were the maximum the Town allowed for LOS, but were well

below what the Town had at this time. Mr. Aitken noted the LOS criteria were met, but there must be something with deficiencies to require burying the lines below the water. Mr. Hartman noted the Town was trying to repair and maintain the existing pipes. Robin Meyer, Planning, Zoning & Building Director, explained the purpose of burying the pipe was to protect the system. A pipe on a bridge was vulnerable to storms, and placing it in a trench underground would protect the system and would guarantee service would be maintained in a storm or event. Mr. Aitken discussed that the pipes continue along to Anna Maria Island and across to the mainland. Mr. Meyer replied yes. Mr. Aitken asked if they were connected to the bridge and if there was a difference in cost to replace the lines on the bridge versus placing under water. Mr. Meyer responded he would ask Anne Ross, the Town's engineer, to provide an explanation.

Discussion ensued on the following:

- The increase in total expenditures for burying the line and the wastewater collection system; there should be an explanation why the cost increase was necessary
- Whether there were matching funds available for the underground piping
- That the plan was to protect the Town's water supply
- Why, if there was an adequate system, the Town was spending \$18 million to upgrade
- The reason why the P&Z Board was reviewing was due to the Capital Improvements Element being part of the Comprehensive Plan and that the P&Z Board was the Town's Land Planning Agency

Anne Ross, Town Engineer, reviewed the projects in question noting that the Longboat Pass water line was currently located on the bridge, and the bridge was built in the mid 1950s. The idea was that the line was over 30 years old, and the Town would maintain it as a secondary line, but the underground line would go 30-35 feet below the pass bottom, which would remove the vulnerabilities to the line by placing it subaqueous.

Further discussion was held concerning:

- Whether the Town had looked at the cost of hanging a new line from the bridge
- That the problem was the Florida Department of Transportation (FDOT) was trying to get utilities off their bridges
- That the Longboat Pass bridge was a very old bridge, but the FDOT had done some maintenance
- It was more reliable to have the lines under the pass
- There was also a line on the Cortez Bridge, but there were two different supplies
- The wastewater line went under Sarasota Bay straight from Gulf Bay Road and was a large expenditure anticipated in the future (the line was four years old, but it was the only way to get the wastewater to the mainland)

Chair Webb noted the initial RFP review for the Comprehensive Plan update had to be done and perhaps they could make this language more understandable. Ms. Ross discussed a clause in the water agreement with Manatee County that if the Town showed an increase in the need for water capacity, a facility investment fee could be paid to receive more reserve capacity.

Blythe Jeffers, Lyons Lane, noted that someone stated the current utility rates were sufficient to pay for the items listed in the document. She pointed out the rates had increased within the past couple of years, and asked if they were increased to pay for these items, or if not, how the Town would be paying for the items. Ms. Ross explained the Town had a consultant that helped with reviewing the rates to ensure there were sufficient funds available to cover projects, or whether the Town would need to go to referendum or bonding. The tax increase was due to Manatee County raising their rates. She pointed out that the Town Commission had decreased the water rate in 2007.

Mr. Aitken noted that the largest expense for the projects listed was for wastewater, but it did not have a funding source identified. Sandi Henley, Budget Analyst, explained the Town would be obtaining bank loans or bonds for that particular project, and it would be paid back by utility rate revenue over a longer period of time.

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

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

AGENDA ITEM #2

ORDINANCE 2012-29, ZONING MAP AND RELATED ZONING CODE AMENDMENTS

David Persson, Town Attorney, informed the board the reason for the removal of the agenda item was to ensure the response to the judge's decision was well thought out. He provided a history of the Key Club application and what has happened since that time. He mentioned that it was now known as MUC-2, which was previously the Gulf Planned Development (GPD) district. Islandside made application and then the Town reviewed it against the zoning district most like it, but there was not a district that looked most like it, so they utilized the T-6 district, because that was the only district that allowed reasonable density for tourism. There was an effort to make it a more traditional zoning district and to have height and density standards that could be measured. The judge decided there was a need to be more specific in terms of what commercial uses were allowed and in terms of lot size, setbacks, etc. The Town lost the case and now needs to review the impact moving forward. The departure language was more stringent than that which existed in the Town Code for years. There are three things to address: the Outline Development Plan (ODP) process needs to be repaired, because it applied island-wide; the way to distribute the 250 tourism units, which were approved through the ODP process, was determined by the judge to be flawed, because the Town did not have strict enough standards for departure language. The second issue was to ensure the uses at Islandside and Harbourside were properly identified to understand what could be placed on the property; they would need to objectify and quantify the dimensional standards for a lot. Another issue was how to count density, because the Charter says the Town cannot raise the density above those indicated in the 1984 Comprehensive Plan without a referendum. He had counted tourism uses and residential uses in determining how much density was available before a vote was required. The judge looked at the 1984 Comprehensive Plan and

determined the plan discussed dwelling units only. There was no allocation for tourism units, and they needed to be counted separately, and there would also need to be a referendum in order to count tourism density. This should be addressed in the Town Code and include a provision that those uses and density were subject to a referendum.

Attorney Persson continued noting the third issue was the zoning map. There was a need to change the names of Islandside, which was known as a GPD to a MUC-2 district. He pointed out that in the long term, there would be a need to look at the island as a whole. He discussed the history of the impact of the 1984 Comprehensive Plan which made 30 percent of the units non-conforming, along with the involuntary and voluntary rebuild codes.

Discussion ensued on the following points:

- Concern about how much “paralysis” would be placed on revitalization and the status of clearing zoning issues
- That the departure language had to be more specific
- How the Town would currently handle an application if someone came in requesting part of the 250 units; the Town was authorized to dispense the units and has a way to dispense the 250 units, but the mechanism to disburse was the ODP process and until it was fixed, they could not be dispensed
- Devising a process where the voluntary rebuild of non-conformities could be done by a matter of right so they could define height, bulk, and units
- How the Request for Proposal (RFP) process was established for the hiring of an outside planning consultant, the timeline, and the consultant’s interaction and inclusion of input from Town Commission, board members, and residents.
- That the Vision Plan was the basis for the RFP that was sent out; however it will come down to actual objectives and policies set forth in the Comprehensive Plan
- Concern with the lack of Planning and Zoning Board involvement in the process
- That the Vision Plan was dated and pre- Longboat Key Club, Colony Beach, and Whitney Beach and that since that time the attitude of the island had changed

Mr. Garner left the meeting at 10:23 am.

Mr. Wild asked how soon before the board addressed the amendments. Attorney Persson explained that they would need to request permission to hold a hearing through the Town Commission, and if approved, will come back to the board for review. He noted the first order would be to get the ODP process functional to address the disbursement of the 250 units.

Mr. Hixon voiced concern with allowing applications to sit in abeyance and asked if there was some way the P&Z Board could expedite so the Hilton Hotel could have an approved application at the end of the season. Chair Webb explained the Town learned of the judge’s ruling only six days ago and the ruling made it impossible for the Town to move forward with the Hilton application until the ODP process was corrected. Mr. Hixon requested, if the other board members agreed, to express to the Town Commission they make every effort to get the staff together to expedite it as quickly as possible. Attorney Persson responded that the ordinance needed to be drafted and due process notice published before the P&Z Board and Town Commission held hearings.

Discussion ensued on the concerns of the board members to expedite the amending of the code and the process to address the redevelopment of the Hilton Hotel; that the deadline should meet the Hilton Hotel's schedule for redevelopment, and there should be a document for review at the December P&Z Board meeting revising the ODP process so the Town Commission could review in January; how the board would be involved in the discussion; and, that the crucial issues were the departures and the judge's determination the Town had to be more objective and clear.

George Spoll, Harbourside Drive, commented on the discussion of the Vision Plan noting it would be a "tragedy" if the Town did not rely on the tremendous amount of work that was done on the plan. He asked that it not be changed, and that it was very clear that the attorney and the staff knew the urgency.

Blythe Jeffers, Lyons Lane, commented there was reference to the 'stakeholders' and asked if that represented the property owners. Chair Webb explained the citizens of Longboat Key were invited to attend and participate in the hearings as the hearings were not restricted. Ms. Jeffers requested that the consultants reach out to all property owners.

AGENDA ITEM #3
CONSENT AGENDA

Chair Webb requested that the email received from Tom Aposporous explaining his reason for resigning as president of the Longboat Key/Lido Key/St. Armands Key Chamber of Commerce be made part of the record, and that the minutes be amended to show the statements made in the October 16, 2012, minutes were incorrect.

MR. WILD MOVED APPROVAL OF THE MINUTES, AS AMENDED, OF THE OCTOBER 16, 2012, MEETING AND SETTING THE FUTURE MEETING DATE FOR DECEMBER 18, 2012. MR. DALY SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Chair Webb noted that the February 19, 2013, Planning and Zoning Board meeting might conflict with the Town Commission workshop that was being scheduled for that day. She did not believe there would be a problem as the board meeting should not run past noon.

ADJOURNMENT

The meeting was adjourned at 10:58 am.

Laurin Goldner, Secretary
Planning and Zoning Board