

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

APRIL 15, 2014

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

Members Present: Chair BJ Bishop, Vice Chair Jack Daly, Secretary John Wild, Members Andrew Aitken, Leonard Garner, Walter Hackett, Allen Hixon, Ken Schneier, George Symanski

Also Present: Maggie Mooney-Portale, Town Attorney; Kelly Fernandez, Town Attorney; Alaina Ray, Planning, Zoning & Building Director; Steve Schield, Planner; Jo Ann Mixon, Deputy Town Clerk

Chair Bishop requested and the Board accepted moving Public to be Heard forward for discussion.

Public to Be Heard

Alley 11 Closure

Resident Allen Luke requested closure of Alley 11 in the Revised Longbeach Subdivision. He had met with Town Manager, David Bullock, and Public Works Director, Juan Florensa, to discuss the closure, and also submitted the petition for closing with the Town Clerk's office. The petition was currently under review by the Town Attorney, and the Town Clerk had forwarded the materials to be heard during the May Planning & Zoning Board (P&Z) meeting. He wished to address the Board to explain that when the P&Z hear the petition, he would not be present as he would be out of town.

AGENDA ITEM 1
DRAFT ORDINANCE 2013-20 AMENDING CHAPTER 158
OUTLINE DEVELOPMENT PLAN PROCESS

Pursuant to published notice, the public hearing was opened.

Bill Spikowski, Spikowski and Associates, consultant for the Town, identified and distributed paperwork to the P&Z members related to the modification of the Town's Outline Development Plan process. Discussion was held with respect to:

- Definitions of zoning districts (MUC – Mixed Use Community)
- PUD – Planned Unit Development - conceptual site plan approval process allows departures from provisions of the town code
- ODP – Outline Development Plan documents submitted for planned unit developments

- Comprehensive plan review and removal of the term ODP
- Review the definition of PUD
- PUD process to be used for 1620 Gulf of Mexico Drive (Colony Beach & Tennis Resort) property redevelopment
- Two issues: Zoning – property development, and submissions regarding implementation of development (PUD tool for staff and developer)
- Departures
- Comprehensive Review process with submission to the State of Florida
- Plan development (flexibility to move density within the development)

Mr. Spikowski discussed three alternatives have been refined for dwelling units that were never assigned to specific parcels: Alternatives 1 and 2 previously rejected by the P&Z Board; and, Alternative 3, acceptable way to continue development with additional criteria added.

Discussion was held regarding the following:

- Quality of life impaired if view of the gulf were blocked by new structure
- Additional uses and structures being reasonably similar to neighboring uses in terms of development , intensity, building coverage, design, occupancy, access and circulation
- Additional units and structures must not adversely affect the quality of life of persons in surrounding or nearby building
- Notice to affected property owners - sending notice to all property owners in the MUC district and all property owners immediately adjacent to and within 500 feet of the perimeter of the MUC district
- Simplifying the process – basic formula separating zoning and building
- Trust in the government process
- Original language without additional criteria (ordinance pages 17 & 18)
- Comprehensive Plan assigned units (existing versus projected)
- Review of the Sarasota County Comprehensive Plan and other counties south of Longboat Key
- Building heights set in the Comprehensive Plan (FEMA Line)
- Different restrictions apply to PUD's and applications for additional units
- Definition of the term “reasonable use “

Bob White, IPOC representative, voiced his support of Option 3 with “wordsmithing.”

Larry Grossman, resident, discussed notification requirements suggesting it be broader than 500 feet and that everyone within the zone should be notified.

Ken Walsh, Longboat Key Club, explained their wish to add to their property and the struggle with how to accomplish that with the support of the neighbors. The ordinance should include language that provided a standard that identified compatibility.

Ken Metcalf, Ocean Properties representative, proposed alternative language for Option 3, which was to shift Option 3 to a different section of the ODP process (distributed at

the meeting). Chair Bishop read the proposed amendments to Ordinance 2013-20 submitted by Ocean Properties at the April 15, 2014, meeting.

Mr. Hackett left the meeting at 10:00 a.m.

Mr. Metcalf discussed the proposed language and the following comments were made:

- MUC-2 District - one large remaining piece of property that accounts for 50 percent of the contiguous lands acquired
- Allocation of units (used and not used in current Longboat Key Club development)
- Unused density
- Definition of 50 percent identified in the proposed language
- Page 18, items 9 and 10 proposed language

The Board recessed from 10:21 a.m. to 10:37 a.m.

Chair Bishop recommended the Board accept the input from speakers, and asked that the Board provide their input to staff. She suggested the public hearing be continued to the May regular meeting and asked staff to provide the agenda materials one week in advance of that meeting. She also noted a conflict with the scheduled meeting on May 20, 2014, and requested it be rescheduled to May 27, 2014, with agenda materials being provided no later than May 20, 2014.

Mr. Metcalf reviewed the distributed materials and noted he would work with staff to reach a compromise. He tried to deal with visual issues, creative approach regarding departures, and identify a menu of compatible options.

Discussion was held regarding

- Minimizing noise from outdoor activities such as outdoor music
- Departure and compatibility techniques
- Open Space and existing agreement in place for MUC-1 and MUC-2
- Changing page 18 of Ordinance 2013-20
- Providing flexibility in standards

Chair Bishop suggested the board members convey their comments and concerns over the language in the proposed ordinance to staff in writing.

Chair Bishop suggested the following language be incorporated in Alternative 3: "*Must be consistent with the intent of the district and uses must be compatible with other existing similar uses within the overall development.*" She continued asking for a consensus on the need for an entitlement to some percentage of the units specified in Option 3. **There was consensus that language was not needed regarding entitlement; there was a unanimous agreement among the Board.**

Discussion was held regarding proposed staff language concerning compatibility and it was suggested to revise to state: “*Must be consistent with the intent of the district and uses within the overall development.*” There was a question concerning the word ‘intent,’ and Ms. Ray noted that ‘intent’ referred back to the Comprehensive Plan. Members discussed whether this was a replacement for Option 3, and Chair Bishop asked if the board would like to see the language as a replacement for Alternative 3, or in addition to, and if addition to, then what would it be an addition to.

John Patterson, attorney for Ocean Properties, discussed:

- the restrictions on the golf course (99 year lease)
- existing zoning on the property contained rights to develop
- they were not struggling with uses, because that part of the code had been modified and progress has been made
- utilization of units and standards for use (maintaining flexibility)

Chair Bishop questioned the board for consensus regarding “density remains with the land.” Discussion ensued on this language:

- where are the ‘floating units’ that go with the land; does it mean overall project
- there was nothing in the approval process that states a developer was required to build all their units at one time, but must be developed and constructed in accordance with the codes
- there was agreement to eliminate the term ‘entitlement’
- belief there was an indication that a property owner was allowed to request the use of the units
- recognizing there was a certain vested property right to request maximum units allowable under the provision of the code
- should not use the term ‘vested right,’ because it was an incorrect right, and in practical terms, it would mean they did not need a referendum

Chair Bishop moved forward with discussion of the overall ordinance asking that the board members send written comments to staff as soon as possible.

Discussion was held regarding notice:

- Notice by publication
- Notice by posting property
- MUC district – 500 feet around construction site

Attorney Mooney-Portale reviewed Section 32.25 related to public hearings and read it into the record. **There was consensus to maintain the language in the existing code.**

Kelly Fernandez, Town Attorney, pointed out that one of the reasons why language was added was to clarify the question of what was the subject property – was it just the application or the MUC district in its entirety.

There was discussion by Mr. Symanski of Page 10 of 39 related to the 250 units approved by referendum used in the MUC-2. Attorney Fernandez responded the referendum does not prohibit use, but the Comprehensive Plan and Zoning Code did restrict use within the MUC-2. Further discussion ensued on Page 18 of 39, Items 9 and 10 and whether the words "if applicable" could be included; and Page 19 of 39 and alternative language to be added.

It was noted that the deadline for comments to staff was Monday, April 28, 2014, via paper or email.

There was consensus of the board to continue the public hearing on Ordinance 2013-20 to the May 27, 2014, Planning and Zoning Board regular meeting.

AGENDA ITEM 2
DRAFT ORDINANCE 2014-14 AMENDING CHAPTER 158
SITE PLAN REVIEW AUTHORITY

Chairman Bishop provided a history of the site plan review authority.

Planning, Zoning, and Building Director Alaina Ray explained proposed Ordinance 2014-14 would move the site plan approval authority from the Town Commission back to the P&Z Board for site plans that meet all zoning and land development regulations. However, any site plan that required departures or special exceptions would continue to require Town Commission approval.

Mr. Hixon moved to forward to the Town Commission proposed Ordinance 2014-14 that transfers the authority for final site plan approval for all site plans meeting all applicable zoning and land development regulation from the Town Commission to the P&Z Board. The motion was seconded by Mr. Garner.

Discussion was held on the following topics/issues:

- allowing departure approval at the Planning & Zoning Board level
- hold a joint meeting with the Town Commission
- if Special Exceptions would be approved by the Town Commission level.

Attorney and Ocean Property Representative John Patterson commented on Town Commission authority for Outline Development Plans and Planned Unit Developments.

Following discussion the motion carried by a 6-0 roll call vote, as follows: Hixon, aye; Garner, aye; Aitken, aye; Bishop, aye; Daly, aye; Schneier, aye; Symanski, aye; Wild, aye.

AGENDA ITEM 3
MEMORANDUM FROM VICE CHAIRMAN JOHN DALY REGARDING THE PLANNING
ROLE OF THE PLANNING AND ZONING BOARD

Mr. Daly discussed the planning role of the Planning and Zoning Board, and suggested it would be beneficial for the Town Commission to formalize and articulate the substantive planning role of the Planning and Zoning Board. The Commission had assigned planning tasks to an Advisory Committee and staff which had to engage experts in support thereof. Mr. Daly suggested a joint meeting with the Town Commission to discuss the Planning & Zoning Board's role in planning.

Discussion ensued on the following points:

- Board agreement with planning efforts
- ULI committee uses staff time and money
- Development of subcommittees to address issues
- Identify the role of the planning board as identified in the Florida Statutes

Following discussion consensus was reached to form a subcommittee consisting of three Planning and Zoning Board Members (Daly/Wild/Garner) to develop discussion topics and to review the Florida Statutes that identify Planning Board responsibilities.

STAFF UPDATE

Planning, Zoning, and Building Director Alaina Ray identified upcoming projects the P&Z Board would be involved with including:

- Zoning Code Review
- Comprehensive Plan Review – two year process
- Tourism Districts
- Density Issues
- Town Center Development

CONSENT AGENDA

Mr. Hixon referred to Page 3 of the minutes noting his concern was certain non-conforming uses that could be expanded under the provision and requested that the following language be inserted before the third sentence, "*Because it was illegal to expand a non-conforming use, Mr. Hixon suggested inserting that it only applied to MUC districts in that section.*"

MR. GARNER MOVED APPROVAL OF THE MINUTES, AS AMENDED, OF THE MARCH 18 2014, MEETING AND SETTING THE FUTURE MEETING DATE FOR MAY 27, 2014. MR. SYMANSKI SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; DALY, AYE; GARNER, AYE; HIXON, AYE; SCHNEIER, AYE; SYMANSKI, AYE; WILD, AYE.

P&Z BOARD COMMENTS

Mr. Hixon noted this might be his last meeting after serving 9 years on the P&Z Board. He thanked the other members for their hard work and efforts.

ADJOURNMENT

The meeting was adjourned at 12:11 p.m.

John Wild, Secretary
Planning and Zoning Board