

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

APRIL 21, 2015

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

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

Absent: Member BJ Bishop

Also Present: Maggie Mooney-Portale, Town Attorney; Alaina Ray, Planning, Zoning & Building Director; Steve Schield, Planner; Maika Arnold, Planner; Jamie Anderson, Administrative Staff

Maggie Mooney-Portale, Town Attorney, gave an update of Commission Workshop discussion and direction to prepare an ordinance regarding the membership of the Planning and Zoning Board as follows:

- Reducing membership from 9 to 7 members
- Prospectively applying term limits to two three-year terms.
- Sunset all existing board seats, with anyone interested in continuing on requested to reapply.
- First and second readings at the May and June meetings before enactment.
- Full board intact for all remaining meetings before summer break.

Attorney Mooney-Portale also discussed requirements of the Ethics code and conflicts of interest.

Mr. Wild questioned if he would be forbidden from reapplying because he is appointed to seat 8 and has been on the Board for two terms. Attorney Mooney-Portale advised that all seats will be opened and noted that the discussion regarding term limits is prospective and does not apply to previous service. Chair Hixon also explained that there will be a hearing at the Commission's May and June meetings before anything can be placed into effect. It was noted that there is still a need to determine how the transition will be made so that there is always a full board intact for the remaining meetings before the board breaks for summer.

Mr. Garner questioned if there was comment about asking this board for comments. Attorney Mooney-Portale advised that deference was given to Commissioner Daly's comments noting the Commissioners wanted to hear from him on the matter. Also, two of the other members who formerly served on the Board also weighed in on the matter.

Mr. Symanski questioned why the Commission added term limits. Attorney Mooney Portale advised that the decision is prospective, noting discussion centered around the fact that the Commission is subject to term limits and it might be a good idea for the Board also. Chair Hixon added that limits will start with next appointment.

Mr. Schneier questioned if they will be given notice of when the current ordinance expires and when they need to apply again. Attorney Mooney-Portale advised she will be working with Director Ray on timing and what meetings are left to make sure that the present members are all aware of the meeting obligations they still have.

Mr. Hackett questioned if his profession as a Real Estate Agent and developer with ongoing projects is a conflict. Attorney Mooney-Portale advised it depends on the issue that is being voted on, noting that Florida ethics law is very fact specific. Being a Real Estate Agent does not generally prevent one from participating on the board however it could rise to the level of a conflict at some time. Chair Hixon cited an example of a possible conflict where Mr. Hackett would abstain from voting on the matter and fill out the paper work. Attorney Mooney-Portale invited the board members to contact her if they ever have a question and she would be more than happy to give an opinion.

Mr. Schneier questioned how going through the zoning law applies to conflicts. Attorney Mooney-Portale advised that legislation is more policy and still would be circumstance driven, but is a safer zone.

Mr. Aitken questioned what happens to those members who have terms expiring on May 3rd. Attorney Mooney-Portale stated those terms may be extended to assure there is a continuity of service.

Chair Hixon commented it appears that the June meeting would be the last meeting for this group as this board. Attorney Mooney-Portale commented that staff needs to review the calendar to determine what meetings are left, noting the Town's Charter requires a Planning and Zoning Board.

Mr. Symanski believed that term limits is a bad idea adding he would think the Commission would want someone with experience or institutional knowledge. Mr. Schneier commented that if the decision is to place six year term limits on the Board there will need to be some kind of rolling expiration so that all the seats do not expire at the same time.

PUBLIC TO BE HEARD
Opportunity for Public to Address Planning and Zoning Board

No one wished to address the board.

AGENDA ITEM 1
UPDATE REGARDING FUTURE PLANNING & ZONING BOARD / TOWN
COMMISSION JOINT MEETING

Alaina Ray, Planning, Zoning, & Building Director, commented that a joint workshop is scheduled for 9:00 a.m. on Tuesday, May 19th. The discussion will center on:

- Options for density ranges
- Zoning categories
- Parameters for dealing with non conforming properties.

She noted there are 4,346 non-conforming units and a total of 10,155 existing units on the island. Staff will get the information to the board a week ahead of time and will include as much information in the packet as possible.

Mr. Aitken questioned if the non-conforming units are tourist units. Ms. Ray advised that most are tourist but there are some residential.

Discussion ensued regarding whether or not to postpone the joint meeting until the new board is seated.

AGENDA ITEM 2
REVIEW OF RESULTS NEUTRAL CROSSWALK METHODOLOGY FOR
REFORMING THE COMPREHENSIVE PLAN – EXISTING INFRASTRUCTURE
ELEMENT

Ms. Ray advised the purpose is to discuss the methodology of what is being looked at for rewriting the Comprehensive Plan. The elements presented today have been reviewed by Planning Staff as well as Public Works, and by outside parties whose input the Public Works Director felt would be beneficial. The elements before the Board are a little easier to get your arms around so the board can become comfortable with this methodology before continuing with the Future Land Use Plan.

Gene Boles, University of Florida, provided a PowerPoint presentation regarding the Community Planning Act, noting the task has been to assist the Board in re-forming the comprehensive plan. The recommended approach begins with results neutral crosswalk of the various elements of the plan. The crosswalk assures the goals, objectives, and policies of the current plan that establish planning criteria, and that remain important to the Town, are preserved and those that are outdated or problematic are eliminated. He added the need for a comprehensive plan is defined by State statute, and that no plan self implements, only the Town has the authority to implement the plan, and they could not take any action that is not consistent with the plan.

Mr. Garner questioned if any proposed development within any municipality can request a modification or was that no longer going to be available. Mr. Boles responded that a modification can be requested, and he clarified the state law.

Mr. Boles continued with the PowerPoint presentation advising that, in redrafting the plan, it must be legally defensible and implementation centered, but the format of the plan is at the discretion of the local government. The Plan's directives are expressed in goals, objectives, policies and strategies.

Mr. Schneier questioned what is meant by "results neutral revision"; Mr. Boles advised it accomplishes the same thing as in the present plan in terms of the results you are attempting to achieve. Mr. Boles advised that the objectives always, as much as possible, obtain a positive outcome.

Chair Hixon stated he thought today's discussion was about the size, material, and shape of the "container", but nothing that goes into the "container". Ms. Ray advised staff wanted the Board to understand how to get from 13 objectives to three. They were not looking to see whether they have captured all the non regulatory information that needs to be captured, but to explain method and the reason staff reduced the objectives to three. Chair Hixon stated the goal was simplification without losing where we have to go.

Mr. Hackett questioned the end product. Ms. Ray replied the new Comprehensive Plan. She noted when the Town goes through a zoning action, they have to determine if the proposal meets the Comprehensive Plan or the community's goals and objectives.

Mr. Symanski stated he thought they were simply going from old to new, taking out the regulations that should not be in the plan, and questioned why it was not that simple. Ms. Ray pointed out staff was reviewing that concept with the board at this meeting, and if the Board preferred, staff would make the revisions and bring a completed document back for review. Chair Hixon agreed to the goal of simplification and reduction.

Mr. Aitken requested clarification that the adopted text is what the Board has discussed and approved in the past and that staff was substituting the results neutral revisions in place of the adopted text. Mr. Boles advised in the policies of the new text.

Mr. Hackett questioned if the end result of pages 1-3 is to be the final document. Ms. Ray advised that it is pending review. Mr. Boles noted that the result neutral revision is the starting point, but that did not mean it is not going to be "massaged." He noted the word "strategy" means the action used to meet the policy.

Upon further discussion, Chair Hixon requested that staff continue reviewing and revising the language, and bring back a simplified document. The Board agreed.

CONSENT AGENDA

MR. GARNER MOVED APPROVAL OF THE MINUTES OF THE FEBRUARY 17, 2015 AND MARCH 17, 2015, MEETINGS AND SETTING THE FUTURE MEETING DATES FOR MAY 5, 2015 SPECIAL WORKSHOP AND MAY 19, 2015 AS A JOINT

WORKSHOP WITH THE TOWN COMMISSION. MR HACKETT SECONDED THE MOTION.

Mr. Symanski questioned if the May 5th meeting is necessary. Ms. Ray advised that, with the previous discussion, she was going to suggest that the May 5th meeting could be canceled.

MR. SYMANSKI MOVED TO REMOVE THE MAY 5, 2015, MEETING FROM THE CONSENT AGENDA. MR. WILD SECONDED THE MOTION . MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; GARNER, AYE; HACKETT, AYE; HIXON, AYE; SCHNEIER, AYE; SYMANSKI, AYE; WILD, AYE.

MOTION AND SECOND TO APPROVE THE CONSENT AGENDA WITH THE DELETION OF THE MAY 5, 2015, MEETING DATE CARRIED ON ROLL CALL VOTE: AITKEN, AYE; GARNER, AYE; HACKETT, AYE; HIXON, AYE; SCHNEIER, AYE; SYMANSKI, AYE; WILD, AYE.

STAFF UPDATE

There were no staff updates.

Mr. Symanski questioned if staff was intending for the Board to meet in July and August. Ms Ray advised there is an item on the consent agenda at each June Meeting eliminating the July and August meetings.

Mr. Aitken stated at the last meeting the Board had received a handout from Commissioner Younger that he thought the board was going to discuss at this meeting. Ms. Ray advised that would be a part of the May 19th meeting.

ADJOURNMENT

The meeting was adjourned at 10:26 a.m.

Secretary
Planning and Zoning Board