

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

JUNE 21, 2016

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

Members Present: Chair Jim Brown; Vice Chair BJ Bishop; Secretary Ken Schneier; Members Stephen Madva, Leonard Garner, George Symanski

Also Present: Kelly Fernandez, Assistant Town Attorney; Alaina Ray, Planning, Zoning & Building Director; Maika Arnold, Planner; Steve Schield, Planner; Donna Chipman, Office Manager

Election of Officers

Chair

MS. BISHOP MOVED TO NOMINATE JIM BROWN AS CHAIR OF THE PLANNING AND ZONING BOARD. MR. MADVA SECONDED THE MOTION.

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

MOTION TO APPOINT JIM BROWN AS CHAIR CARRIED ON ROLL CALL VOTE: BISHOP, AYE; BROWN, AYE; GARNER, AYE; MADVA, AYE; SCHNEIER, AYE; SYMANSKI, AYE.

Vice Chair

MR. SYMANSKI MOVED TO NOMINATE BJ BISHOP AS VICE CHAIR OF THE PLANNING AND ZONING BOARD. MR. MADVA SECONDED THE MOTION.

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

MOTION TO APPOINT BJ BISHOP AS VICE CHAIR CARRIED ON ROLL CALL VOTE: BISHOP, AYE; BROWN, AYE; GARNER, AYE; MADVA, AYE; SCHNEIER, AYE; SYMANSKI, AYE.

Secretary

MR. MADVA MOVED TO NOMINATE KEN SCHNEIER AS SECRETARY OF THE PLANNING AND ZONING BOARD. MS. BISHOP SECONDED THE MOTION.

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

MOTION TO APPOINT KEN SCHNEIER AS SECRETARY CARRIED ON ROLL CALL VOTE: BISHOP, AYE; BROWN, AYE; GARNER, AYE; MADVA, AYE; SCHNEIER, AYE; SYMANSKI, AYE.

AGENDA ITEM 1
PUBLIC TO BE HEARD
Opportunity for Public to Address Planning and Zoning Board

No one wished to address the board.

AGENDA ITEM 2 AND ITEM 3
CONSENT AGENDA

MR. GARNER MOVED APPROVAL OF THE MINUTES OF THE MAY 17, 2016, REGULAR MEETING AND SETTING THE FUTURE MEETING DATES FOR JULY 19, 2016 REGULAR MEETING/WORKSHOP, AND AUGUST 16, 2016 REGULAR MEETING/WORKSHOP. MR. SCHNEIER SECONDED THE MOTION. MOTION WAS APPROVED UNANIMOUSLY.

Chair Brown commented that usually the Board did not meet on the July and August meeting dates, but they were established in case staff needed to have the board meet over the summer to discuss an item. **There was consensus the Board would not meet on those dates unless staff called a special meeting.**

PUBLIC HEARINGS

Agenda Item 5
Mar Vista Restaurant, 760 Broadway
Special Exception Application

Pursuant to published notice, the public hearing was opened.

Kelly Fernandez, Assistant Town Attorney, questioned if any board member had any Ex Parte communications or conflicts of interest with the application. None were noted.

All those testifying were sworn at this time.

Maika Arnold, Planner, provided an overview of the request noting:

- This was a request to conduct outdoor dining on a proposed expanded ground floor covered outdoor dining area six (6) feet towards the waterfront
- Thirty-seven seats will be relocated from the interior dining area
- No increase in maximum number of seats; maximum number remains at 169 seats

- Staff was recommending approval of the request

Mr. Madva questioned if the three proposed tables sat eight people where would the remaining 13 seats be located. Ms. Arnold responded they would be spread outside; there was a covered porch area and tables under the trees.

Lynn Townsend-Burnett, engineer for the applicant, noted the elevations showed what the existing elevation was and the proposed elevations. Previously, the plan was to relocate upstairs to a covered, but not enclosed area; however, this proposal modified that prior approval. After review, the applicant thought it was too detrimental to the trees, so rather than impact the trees, they revisited and reworked the space downstairs and in the outdoor area. They would not be increasing the seats.

Mr. Schneier referred to the plan with the seat arrangements noting there was an eight - or six-foot wide area with six tables and asked if only three were new tables. Ms. Burnett replied correct; the ones adjacent to the walk-in cooler. Chair Brown confirmed that the applicant was not adding seats, but just moving them around. Ms. Burnett noted that was correct. Alaina Ray, Planning, Zoning & Building Director, reviewed Sheet A.2.02 of the submitted plans and the added portion.

Chair Brown explained the reason for the question on the Lois Avenue elevation was the result of a previous hearing, and a request that the Lois Avenue elevation be cleaned up. Ms. Burnett discussed that they will be cleaning up the area and installing additional landscaping. Chair Brown referred to the second story addition. Ms. Ray noted that instead of requesting dining on the second story, the applicant has revised the plan to use it for storage and office space. She commented those items would be discussed during the site plan. Ms. Burnett reminded the board that the office and storage area was previously approved, and the applicant chose to continue with that component in these plans.

MS. BISHOP MOVED THE PLANNING & ZONING BOARD APPROVE THE SPECIAL EXCEPTION REQUEST, FOR THE MAR VISTA RESTAURANT, AS PROPOSED. MR. SCHNEIER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: BISHOP, AYE; BROWN, AYE; GARNER, AYE; MADVA, AYE; SCHNEIER, AYE; SYMANSKI, AYE.

Agenda Item 6
Mar Vista Restaurant, 760 Broadway
Site Plan Amendment Application

Pursuant to published notice, the public hearing was opened.

Maika Arnold, Planner, provided an overview of the request noting:

- The request eliminates a second story deck that was previously approved for outdoor dining
- The applicant was proposing to construct a second story office and storage area

- Part of the site plan included relocation of handicap parking
- There were some existing stormwater issues, because the parking lot is shell, and it runs off into the right-of-way
- The applicant will be improving the driveways and pavement
- Have to maintain pervious pavement condition – could revise to state, “if use pervious pavement have to maintain a certain way,” and the Public Works Director agreed with condition
- Reconfigured seating so a portion of the existing interior dining area will become retail space with 27 seats remaining inside

Mr. Symanski asked if staff agreed there would be additional screening that would serve the purpose. Ms. Arnold pointed out on the plans that the applicant showed an additional buffer to screen the outdoor dining area. There was a fence that currently surrounds the outdoor dining area. Mr. Symanski believed the neighbors had previously complained about the pumps. Ms. Ray did not recall that anything was addressed concerning that, but it was an item the Board could review. Ms. Bishop asked if the applicant was only required to have one handicap spot. Ms. Arnold replied there were two. Ms. Bishop believed two handicap spaces for 169 seats was not sufficient.

Discussion ensued on:

- The previous application showed that the paving was going to be improved and be made more permeable to improve drainage and whether that would be retained, or was there some flexibility
- That what was shown was permeable; however, according to the Public Works Director the site had a retention system that would retain the stormwater, so they were not required to install permeable pavers, but could install asphalt or concrete
- Whether the area on Broadway Street, between the curve and the sidewalk, was right-of-way property; it was part of the right-of-way
- That there was a nice vista while driving down Broadway, but when one reached the corner of Lois Avenue and the two restaurants, there was no landscaping; would that be part of the Town’s plan to continue the sidewalk
- That the Shore Restaurant was already approved, and they were going to install landscaping and a sidewalk all along that area

Rod Gerling, Linley Street, asked if there were plans to relocate the trash dumpster. Ms. Ray responded the trash dumpster was in compliance with the Town Code, and there were no plans to move or relocate it. Mr. Garner commented although there was nothing in the code that addressed specifics of that nature, it was agreed during the last approval process that there would be additional screening for the dumpster. Ms. Ray did not recall what was on the previous plan. Mr. Gerling voiced concern more with the odor coming from the area than screening. Ms. Ray reiterated there was nothing in the Town Code to address that. Chair Brown believed the applicant/owners would understand the issue and provide assistance.

Mr. Symanski questioned if the sidewalk extended past Mar Vista. Chair Brown responded there was a sidewalk in front of Mar Vista, but nothing in front of The Shore; it stopped at the corner of Lois Avenue. Ms. Bishop believed when someone was doing major improvements they need to be responsible for frontage improvements on their property. Ms. Burnett explained there were slides and existing pictures in the materials that showed the views along the corridors of Lois Avenue and along Broadway Street. There was vegetation and trees, with existing trees at the corner of the driveways. She noted the applicant was not opposed to enhancing the plantings. Chair Brown pointed out that the vista changed so drastically that he hoped the Town could incorporate something in the undergrounding plans for the future. Ms. Ray commented that some of it would depend on the location of the underground utilities, because that would impact the ability to plant additional trees along that area. The Shore was primarily installing low-impact shrubbery that would not have deep root systems. There would be a planting plan for the streets after the undergrounding project; the Town Commission will review and determine the type of plantings.

Ms. Burnett discussed that it was important for the record to note there were two restaurants side-by-side, and the Mar Vista Restaurant has shell that extended into the right-of-way and joined the asphalt apron. She mentioned when it rained the water ran into Broadway Street. Ms. Burnett explained when they previously came back through the approval process, the existing retention areas were enhanced and the proposals for all the parking areas were to be regraded to drain into the retention area and not out into the public right-of-way. She commented that because this project already had retention ponds, there was not a need to do a pervious infiltration or storage system, similar to The Shore. She had talked with the Public Works Director, and he would rather have them install traditional pavers, concrete, or asphalt and have it directed into the retention areas, and not worry about a pervious system that would need to be maintained. He was okay with the areas no longer being shell, and he did not want what was originally proposed, which was a number 57 type of stone material. She noted that the applicant had no objections to making sure Public Works was satisfied with the surface materials and grading to ensure it was directed into the retention pond. She mentioned that change effected several of the conditions, such as Condition 3. She requested the word 'pervious' be struck and replaced with "reflecting a pavement treatment acceptable to the Town." Ms. Burnett pointed out the numbering of the conditions showed two conditions numbered 3, so the second condition would become number 4; and, conditions 6, 7 and 8 were applicable to The Shore Restaurant, but not to the Mar Vista Restaurant. She requested those conditions be stricken from the approval and asked if the Board considered approval, that they include those modifications. Ms. Ray commented that after consulting with the Public Works Director this morning, he provided direction that he agreed with those modifications. She noted that one of the reasons they did not wish for them to maintain the shell was because it silted up and ran off into the bay.

MR. GARNER MOVED THE P&Z BOARD APPROVE THE SITE PLAN AMENDMENT FOR THE MAR VISTA RESTAURANT, SUBJECT TO THE MODIFICATIONS AS OUTLINED BY THE APPLICANT AND STAFF. MS. BISHOP SECONDED THE

MOTION. MOTION CARRIED ON ROLL CALL VOTE: BISHOP, AYE; BROWN, AYE; GARNER, AYE; MADVA, AYE; SCHNEIER, AYE; SYMANSKI, AYE.

WORKSHOP DISCUSSION:

Agenda Item 7

Ordinance 2016-10, Comprehensive Plan Amendment, Mobility Element
(Continued from the May 17, 2016 meeting)

Maika Arnold, Planner, provided an overview of the Mobility Element, noting:

- Replaces the Transportation Element
- Is in compliance with a new Interlocal Agreement between Longboat Key and Sarasota County
- Addresses vehicular, pedestrian, and bicycle usage
- Defines how a community intends to provide mobility for its residents, businesses and visitors
- Encourages principles of Complete Streets (consistent with Sarasota County, MPO, and FDOT policies)
- Mobility fees fund multi-modal improvements or services

Ms. Ray commented that staff was looking for final direction before finalizing an ordinance and providing final recommendations. Chair Brown responded he had reviewed the language and it made sense to him. Ms. Ray pointed out that staff believed the revisions provide a more readable plan. Mr. Madva agreed it was better and more clear. Mr. Symanski asked if the previous plan, which was not clear, had the 'will' or 'shall' language included in it. Ms. Ray explained that all Comprehensive Plans were directing one to do something in the land development code or other codes of the town; the Town's previous code was a lot less specific and left a lot more ambiguity.

Discussion ensued on:

- The way the Community Planning Act was written it compels staff to write a Comprehensive Plan to state the Town will do things
- The Town had to enforce the Comprehensive Plan, because if they did not, the courts can force the Town to do it

There was consensus to move forward with developing an ordinance for review.

Agenda Item 8

Ordinance 2016-09, Comprehensive Plan Amendments
(Continued from the April 19, 2016 meeting)

Maika Arnold, Planner, provided an overview noting:

- At the May 17, 2016, P&Z Board meeting, staff was directed to provide additional information regarding: 1) the use of will, shall, may, and must; 2) Recreation and Open Space Levels of Service; and, 3) Public Art
- Reviewed Comprehensive Plan Policy 1.1.11, Policy 1.2.1, and Policy 1.2.4 related to Recreation and Open Space provisions
- Reviewed the Recreation and Open Space adopted Levels of Service (LOS)
- Discussed the Town's Vision Plan and that it included public art

Ms. Ray commented that staff did not have a preference for either 'will' or 'shall', but Maggie Mooney-Portale, Town Attorney, had noted her preference of the word 'shall.' Staff was amenable to either, but it did have to say one or the other. Mr. Symanski referred to page 2 of 8 of the Intergovernmental Coordination Element, Policy 1.2.41, and noted that state law required the P&Z Board provide a recommendation to the Town Commission. Kelly Fernandez, Assistant Town Attorney, noted there were other items in the Intergovernmental Coordination Element that might need to be revised as it was believed there was further work to be done on the element. Ms. Ray noted that Attorney Mooney-Portale was working with the Town Commission on the Town's Ethics Policy. She explained a lot had been revised in the state statute and there was concern that the Town's Ethics Policy might place the Town in conflict with the state's statutes, or place more of a burden on the Town than what was required by state statute. She commented that when the policy was brought back, there would be things removed related to the Ethics Policy of the Town.

Mr. Symanski referred to the language discussing all zoning map amendments and suggested replacing with 'ultimate'; also in Policy 1.2.44, third line, there was a typographical error, where it should include the word 'to' before 'be consistent; and on page 4 of 8, there was a question of including the word 'shall' in Policy 1.3.8, so it would state 'shall at a minimum.' Ms. Ray noted that was verbatim from the state statute.

Recreation and Open Space:

Ms. Arnold continued with reviewing the Recreation and Open Space Element revisions, along with the level of service (LOS) calculations. Chair Brown questioned if the Town's beaches were included in the calculations. Ms. Arnold replied yes. Chair Brown voiced concern with the calculation for the beach (swimming/non-pool) at one linear mile of beach per 25,000 persons. Ms. Ray responded the board could review to determine if these were the types of amenities they want or whether some were missing. The board continued with discussing the amenities provided, with staff noting that the Town provided more amenities that were not reflected in the numbers. Chair Brown asked whether the Board should make a recommendation to the Town Commission that the numbers be changed. Ms. Ray responded she believed the Board should discuss any additional amenities they might want to provide or revise the numbers. She commented if the Board wished to revise the numbers, then staff will go back and look to see what it should be and determine achievable goals. Discussion ensued on tennis courts and how the number was determined, along with the need to re-evaluate. Ms. Bishop asked staff to inventory the existing list noting there might be a need to include pickle ball.

Mr. Madva asked whether they could request a dog beach. Chair Brown explained a study was completed four years ago, and the Town Commission chose not to bring it forward for public discussion, because people were voicing concern with dogs on the beach. Ms. Bishop pointed out that the list needed to include that there will be a dog park located in the new Bayfront Park Recreation Center.

Kelly Fernandez, Assistant Town Attorney, reminded the Board that the purpose of the list was not to quantify every amenity, but those that were on a larger scale so when you have development coming through, and you have a deficiency, and if they are responsible for level of service oriented, and responsible to the extent their development was contributing to the problem. Ms. Bishop mentioned there had been discussion about the property located at the corner of Broadway Street and Gulf of Mexico Drive becoming a park; the Town needed to ensure they did not create parks that could not be maintained or did not serve a public purpose. Attorney Fernandez noted it had to be measurable standards. Ms. Ray explained if they were deficient, the Town could make up the gap, but would have to look at that based on these numbers. The Town had met, and far exceeded, the LOS on the listed items. Mr. Garner questioned where the list came from. Ms. Ray replied years ago there were standards in the state statutes, but they were based on numbers that the state set and not based on anything specific locally. Mr. Garner suggested no changes to the standard, because the Town had a standard that was well below what the Town was doing already, and he did not see any benefit in making changes. The Town had their own codes and requirements that reflected what Longboat Key will be, which he believed satisfied requirements. Ms. Bishop reiterated her recommendation for staff to conduct an inventory.

There was consensus to direct staff to conduct an inventory of existing facilities.

The Board recessed from 10:32 AM to 10:44 AM.

Discussion ensued on:

- Beach accesses
- Raising standards to provide bathrooms / wash stations at beach accesses
- Does the benefit of providing facilities outweigh the potential to draw people from off-island when only have certain number of parking spaces
- The Town did not always have to include it in the Level of Service (LOS), but include a clause that the Town will encourage or work to provide these types of things
- Whether the Town was losing funds due to the Town being restrictive; the funding for beach renourishment was based on parking spaces for public access

Ms. Ray explained that based on the Urban Land Institute (ULI) Study that was done, there were some surveys about the types of amenities people wish to see, which some Longboat has and some they do not. Staff can review to determine what was requested and bring it back to the Board. Mr. Madva commented that he would like for the Town to consider making an area at Overlook Park a dog beach. Ms. Ray responded that the Board would need to have consensus to move forward to the Town Commission.

Public Art:

Ms. Arnold continued with discussing:

- The Town's Vision Plan included a goal for public art in public places
- That public art can contribute to the revitalization of civic infrastructure
- Enhanced and personalized public space
- Activates public dialogue

Mr. Garner did not believe there should be a hold on a building permit, but a Certificate of Occupancy (CO) should be criteria for approval. There should be a committee established to review and approve the public art. Ms. Ray noted that staff did not wish to evaluate art, but there was a wealth of talent on the island. Mr. Symanski asked if the Town can just require a contribution. Ms. Ray explained the land acquisition fee was paid at the time the building permit was issued, and this could be a similar process. She also mentioned that the Town should review a corridor plan, which could include art. Ms. Bishop stated she would be more comfortable with a master plan for Gulf of Mexico Drive (GMD) with landscaping and sculptures, along with a committee that works at incorporating a master plan. She noted they also needed to ensure there was something in place that maintained those streets.

Mr. Schneier questioned the magnitude of the contribution in Sarasota – what was the percentage or cost to a developer. Ms. Arnold responded the contribution was based on the permit amount. Chair Brown was unsure if he wished to move forward with developing a public art program or committee. Ms. Ray discussed that as the Town moved forward with their partnership with Ringling College, and the expansion of the cultural center, did the Town want the remainder of the island to show that same commitment to the art world; there were policy issues to consider. Mr. Garner commented that art was a personal type of improvement, where everyone has a difference of opinion. The island was primarily developed with some changes in aging structures, but he believed the Town getting into a public art program was a burden. Chair Brown noted the Town could encourage new, or re-development, to include public art in their development. Mr. Symanski asked if they would provide a contribution to the art fund similar to the City of Sarasota.

Discussion ensued on:

- Contributions to an art fund
- Problems with creating a committee to review
- If the Town stated they 'encouraged' art, there was no ability to hold them to it
- There would need to be criteria in the Land Development Regulations (LDRs) to require art on their property
- If there was a way to delegate some level of approval process to the Ringling College for art on the island

Mr. Garner commented that the college would not want to place themselves in a judgement position, but they will be on the island with a major building in the Town Center, and the Town Center will have the opportunity to have public art incorporated. Mr. Symanski disagreed with making, or encouraging, private development to incorporate art. He believed the Town was missing an opportunity if they did not have a requirement for a fund, and determine the art at a later date. He mentioned the possibility of Ringling College reviewing and making recommendations to the Town Commission for public art. Mr. Madva encouraged the Town to move forward and create a fund. He agreed with the notion of a one percent fund, which would go to the corridor and Town Center, or other public places. Ms. Ray responded staff would bring back a policy specifying how it would be implemented for the Board to review and provide a more formal recommendation. Chair Brown requested that staff review other communities that were similar to Longboat Key. **There was consensus to move forward with developing a policy.**

Agenda Item 9
Sign Code Discussion

Ms. Ray discussed:

- That on June 18, 2015, the Supreme Court reviewed a Constitutional First Amendment challenge to the Town of Gilbert's sign regulations regarding temporary signs
- The Supreme Court decision rendered a majority of their sign code unenforceable, because cannot regulate content; cannot be based on any message or what it looks like
- At their September 28, 2015, special meeting, the Town Commission instructed staff to cease enforcement of any existing sign regulation that was currently based upon content
- The Town had regulations for years that regulated banners, but based on the Supreme Court ruling, it was content related, and the Town could no longer regulate
- The Town's Code needs to be revised and re-examined to bring the sections of the code in line with the Supreme Court decision
- The Town engaged leading Sign Law expert, Dan Mandelker, to conduct a review and rewrite of the Town's existing Sign Code
- The updated code will look significantly different than the current Sign Code
- The major policy decisions will address temporary signs, the size and duration of display, portable graphics, and banner signs

Mr. Schneier commented that Longboat Key was a unique environment, and he agreed with the Supreme Court that the language was pretty broad, but the facts of the case were clearly sensitive. He did not think the Town should try to protect themselves from every possible challenge, and should determine who would possibly be a plaintiff. Ms. Bishop explained that one of the challenges with political signs were how long they remained up, and she hoped the Town could regulate the period of time from prior to an

election to after an election. Attorney Fernandez responded that everything stated was accurate, but there was room for 'creativity,' but it came down to how far the Town wished to go and what risk.

Mr. Symanski asked if the Town allowed political signs would the Town have to allow any political signs during that period. Attorney Fernandez responded it depended on how the Board drafted the ordinance. Ms. Bishop pointed out that if the Town allowed no signs, then it would include 'No Trespassing,' 'Beware of Dog,' etc. Attorney Fernandez disagreed, noting those types of signs were geared more toward safety and welfare. Mr. Symanski questioned how political signs would be treated. Ms. Ray responded if the Town allowed temporary signs, and someone wished to have a 'Vote for Me' sign, staff would not be able to distinguish between that sign and the neighbor's sign on a different subject. She reiterated they could not regulate the sign's content.

Chair Brown discussed rental signs, noting they were to be removed once the place was rented; however, some owners allowed the signs to remain. Mr. Garner commented there could be the possibility of including a renewal option for the sign.

The Board recessed from 12:02 PM to 12:51 PM for lunch.

Ms. Ray continued with discussing:

- Digital signs and whether the Town could prohibit them
- That elimination of content-based provisions was challenging
- Policy decisions needed to be addressed at this meeting
- The length of time signs should be allowed to remain
- Whether banners would be regulated
- The Supreme Court has always dealt with the issue, and have always given the same opinion, but this time it was much more clear
- Whether the Town should allow any outside groups free speech on government property

Ms. Ray discussed temporary signs and asked if the Board wished to set a limit on square footage for the signs; or limiting them to one temporary sign or more. Ms. Bishop noted she was comfortable with smaller temporary signs. Mr. Symanski agreed with a smaller sign, but only allowing one. He did not wish to see vehicle signs, human, or sandwich board signs. Chair Brown agreed with allowing a minimum size.

The Board continued with discussing construction signs. Ms. Ray believed the Board could require that a sign be based on the linear square footage of the right-of-way, or the square footage of the property, which might result in a large sign on the right-of-way. Mr. Schneier believed the Board was discussing temporary, non-commercial signs, so he did not believe there was a need to discuss sizes related to frontage or building, but allowing the basic one per customer temporary, non-commercial sign. He suggested the sign be similar to the real estate signs and make the size a 2x2 foot sign. He also commented that there was not a need to place a timeframe at the beginning, but require them to be removed within 'x' days after the event. Attorney Fernandez believed Mr.

Schneier's suggestion was contrary to the court decision, because staff would need to read the sign to determine what type of sign it was, which was regulating the content. Mr. Garner believed the frontage along the property would be an appropriate guideline.

Mr. Garner questioned the implications of enforcement. Ms. Bishop commented if they did not require a fee, and if someone came in to obtain the permit, staff was also not getting their signature acknowledging and agreeing to the consequences. She believed if they did not have it as part of the law, then it placed a large encumbrance on a small department. Ms. Bishop noted as an appointed body of the Town Commission, they could not knowingly put something in place that flew in the face of the current court decision. Attorney Fernandez commented that she would discuss with Maggie Mooney-Portale, Town Attorney, and bring an answer back to the Board.

Mr. Madva did not believe there was a sign problem, but a need to conform the current code to the Supreme Court decision. He was not sure if the Town receives complaints. Ms. Ray responded that the current Sign Code was in direct violation, so the Town had to come to a consensus as to how to resolve it. One of the issues was the number and size of temporary signs, but whatever the decision, it had to be consistent across the board.

There was consensus to allow smaller signs and allowing one temporary sign per property.

Ms. Ray informed the Board they would be discussing the Sign Code for at least the next two meetings. She noted that for the next meeting, staff will have the code a little further along so those things that were outstanding will be identified for assistance. Ms. Bishop asked if while staff was reviewing the code there was no enforcement. Ms. Ray replied correct.

Mr. Symanski referred to the section addressing 'non-commercial' flags and believed allowing three flags in one yard was excessive. Ms. Ray responded people were allowed to fly a certain size flag. Mr. Symanski questioned the ability for the Zoning Board of Adjustment (ZBA) to grant variances. Ms. Ray explained the issue was whether the Town would allow variances, which body would review, and what would be the criteria. Attorney Fernandez commented the draft being reviewed was generic, but will eventually include additional refinement. She mentioned that a variance procedure might be initially beneficial.

Mr. Garner left the meeting at this time.

Ms. Ray informed the Board that staff will plan to bring back another draft for the next meeting to review in a workshop format.

Ms. Ray commented that she did not see a need to meet in July as originally proposed, but there might be a need to have a workshop over the summer. Staff was working with the consultant on the land development code and it was expected that a draft code for

the PUD districts to address non-conforming properties and mixed use properties would be available next month. She hoped to bring it forward to the Board in August.

There was consensus to reschedule the August meeting to August 23rd beginning at 9:00 AM.

Chair Brown noted that the Board has not met the zoning code consultants, and asked how would they know what direction the Town wished to take. Ms. Ray responded they will be available to meet at the August meeting.

NEW BUSINESS

There was no New Business.

STAFF UPDATE

Ms. Ray discussed the agenda packets, large sets of plans, and ways to circumvent providing multiple pieces of paper. She commented that staff have discussed going digital, and the thought was to provide the P&Z Board iPads for receiving their packets, similar to the Town Commission.

There was consensus to direct staff to request that iPads be provided to the P&Z Board members for receiving digital agenda packets.

ADJOURNMENT

The meeting was adjourned at 2:02 PM

Ken Schneier, Secretary
Planning and Zoning Board