

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

\*\*\*AUGUST 23, 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 Leonard Garner, George Symanski

Members Absent: Member Stephen Madva

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

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

**MS. BISHOP MOVED APPROVAL OF THE MINUTES OF THE MAY 31, 2016, SPECIAL MEETING, AND THE JUNE 21, 2016 REGULAR MEETING AND SETTING THE FUTURE MEETING DATE FOR SEPTEMBER 20, 2016 REGULAR MEETING. MR. SCHNEIER SECONDED THE MOTION. MOTION WAS APPROVED UNANIMOUSLY.**

PUBLIC HEARINGS

Agenda Item 4  
Ordinance 2016-10, Comprehensive Plan Amendment  
Mobility Element  
(Continued from the June 21, 2016 meeting)

Pursuant to published notice, the public hearing was opened.

Maika Arnold, Planner, reviewed the staff report noting:

- The Transportation Element was renamed Mobility Element
- It was in compliance with the new interlocal agreement between the Town and Sarasota County
- The element included an additional Policy 1.3.1.4, which addressed providing a multi-use path/sidewalk on the west side of Gulf of Mexico Drive

Chair Brown addressed the additional policy concerning a sidewalk on the west side of Gulf of Mexico Drive asking how the Town would construct it. Ms. Arnold responded there were currently some sidewalks on portions of the west side of Gulf of Mexico Drive. She explained if the policy was included in the Comprehensive Plan, then it would be added to the Capital Improvements Plan, which will allow the Town to request funding to place it on the west side of the entire island. Alaina Ray, Planning, Zoning & Building Director, included that once the policy was included in the Comprehensive Plan and included in the Capital Improvements Plan, the Town can request additional funding from the Metropolitan Planning Organization (MPO). She noted that the sidewalks were just added to a list of projects that were being presented to Manatee County to request additional surtax from tourist funds. Manatee County has agreed to work with the Town on funding to develop a better method of distributing funds. Mr. Garner questioned if it would need the agreement of both Manatee County and Sarasota County to move forward. Ms. Ray responded because it was a Comprehensive Plan amendment, once the Town Commission holds first reading, it would then be forwarded to the state for review, but it would also be forwarded to all entities required to review, which included Manatee and Sarasota Counties. They review to ensure it did not conflict with any of their codes, but they did not have to go through any approval process.

Mr. Symanski asked, following the discussion of sidewalks being impossible in some places, if language should be included saying 'where practical.' Ms. Ray responded staff would look at creative ways of getting access; it did not mean it could be done on every property, but would try in as many places as possible. Attorney Mooney-Portale commented that the language suggested by Mr. Symanski was not problematic, but it was the decision of the board to make the recommendation.

Discussion ensued on:

- Whether there would be language included in another area of the Town Code that would speak to the issue of sidewalks
- That staff would address the issue in the Zoning Code rewrite
- That staff should review how Mr. Symanski's suggestion might be implemented

**MR. GARNER MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCE 2016-10, MOBILITY ELEMENT, AS WRITTEN. MS. BISHOP SECONDED THE MOTION. MOTION PASSED ON ROLL CALL VOTE: BISHOP, AYE; BROWN, AYE; GARNER, AYE; SCHNEIER, AYE; SYMANSKI, AYE.**

## WORKSHOP DISCUSSION:

Chair Brown commented that he had received a request to move Agenda Item 6 as the next item for discussion due to the Assistant Town Attorney, Kelly Fernandez, having to leave early.

### Agenda Item 6 Sign Code Discussion

Alaina Ray, Planning, Zoning & Building Director, reviewed the staff report noting:

- Staff had been working on revising the Town's Sign Code due to a Supreme Court decision that stated it was unconstitutional to regulate content
- Temporary signage had most content-related review in the Code
- Revisions include recommendation to allow a property no more than two temporary signs at any point in time
- Whether the Town can control the signage that the Florida Department of Transportation (FDOT) installs along SR789
- That if everyone exercises the right to have two signs, the street would look cluttered
- If someone has a 'For Sale' sign, then they would not be allowed a political sign
- Whether the one sign was one-sided or two-sided; it would be two-sided
- Whether the code controls construction signs; the existing code allows 16 square feet
- The Town Commission gave direction to not enforce the temporary sign code, because in order to regulate you would need to read its content, which was in conflict with the court decision
- Construction projects – the contractor or the future developer would be allowed a sign
- That it was a policy decision as to whether the Town allowed a contractor to post a sign on a job site
- That the one sign could include more than one name
- staff will be revising to only allow one sign

Ms. Ray continued with reviewing the PowerPoint presentation and the amount of time a temporary sign can be allowed. There would be a stipulation that once they met the maximum allowed renewal periods, permits would not be issued again for at least 12 months after the expiration of the final renewal.

Kelly Fernandez, Assistant Town Attorney, commented the only way to have control over the contractor sign is if the Town stated only one temporary sign allowed, but an additional sign would be allowed while there was an active permit. She noted the same restriction could be used for real estate signs, as long as the property was listed. Chair Brown voiced concern with allowing an additional sign; he was comfortable with

allowing one construction sign as long as there was an active permit. Mr. Schneier believed Chair Brown was referring to the timeframe and how many renewals one could get. Chair Brown reiterated rather than keep coming back to renew, the Town should allow the sign as long as there was an active permit or sale listing. Ms. Bishop commented they have to refer to the Supreme Court language, because they were not allowed to regulate content. Attorney Fernandez pointed out she was discussing tying the timeframe to an event versus content. Ms. Bishop asked if they could tie to events and state within 40 hours of conclusion of the event, whatever that might be, the sign would have to be removed. Attorney Fernandez replied that was correct. Mr. Symanski questioned the 'For Sale By Owner' signs. Attorney Fernandez replied the Board would have to address that issue.

Ms. Ray discussed if they allowed one temporary sign, they could not look at the content. The time limit would tie them to a maximum of 18 months, and then they would be required to take a 12-month break. Chair Brown asked if they could tie it to a task, such as a construction permit. Ms. Ray responded the Town would be saying that only those properties that had a building permit, or listed in the MLS, could have a sign. The Supreme Court decision directed that they had to allow signage on property. Attorney Mooney-Portale responded they had to allow at least one sign without looking at the content.

Mr. Symanski asked if a property owner could be paid to allow someone to place a sign on their property. Attorney Fernandez questioned how would they know that someone paid for it; it could be similar to a real estate sign. She explained it was private property, but if they were going to accept remuneration for a sign, it would be within parameters. She noted if it was on a private property, there was a gray zone. She commented if one had to read a sign, then that would create a concern –everything had to be content neutral.

Mr. Schneier discussed whether, as a result of changing the ordinance, people would 'aggressively' change how they deal with signs on their property. He asked, in order to keep it simple, whether they could deal with incentives; make the initial period for a temporary sign three months with longer extensions, but charge more for the extensions. Attorney Mooney-Portale explained typically permitting fees correlate to staff time associated with review; it was a user fee, not a penalty. Chair Brown asked how this would affect Bay Isles. Attorney Mooney-Portale responded homeowner associations (HOAs) could still have their private restrictions. When one purchased into a HOA or condominium association, they were willingly giving up some of their rights.

Ms. Ray pointed out the Board had narrowed the discussion down to allowing one sign, but still needed to decide on the timeframe. Discussion ensued on establishing a timeframe with Ms. Bishop commenting it would make sense if it could be tied to an event. Concerning the existing code timeframes for temporary signs, Steve Schield, Planner, noted the existing code allowed temporary signs for nine months, but there was no limit for renewals. Chair Brown asked if the Town could limit to one sign tied to a period of time for whatever the event. Ms. Ray suggested "or as long as a property was listed for sale, or under an active Building Permit, whichever was greater."

Mr. Symanski continued discussing whether they could allow a commercial sign in a residential neighborhood advertising their company, or if it was under the court order, could it be prohibited. Attorney Mooney-Portale explained if they allowed one sign, it could state those things; however, if the Board wished to regulate commercial speech in a commercial district with heightened requirements, they could do that. She pointed out that in a residential area everyone was entitled to one sign regardless of the message. Mr. Symanski asked how they could differentiate between commercial signs and residential signs. Attorney Mooney-Portale pointed out what could be allowed on a property would be determined by zoning district. Assistant Town Attorney Fernandez included they were only discussing temporary signs in residential areas.

### **Temporary Signs – Size**

Ms. Ray commented that after the Staff Report was distributed, staff discussed and would like to suggest, in residential districts, that the sign was limited to a maximum of four square feet.

**There was consensus to allow one sign, four square feet, for six months plus renewals, or when a building permit is issued, or property is listed for sale or rent, whichever is greater.**

Commissioner Younger requested permission to address the board. **There was consensus to allow Commissioner Younger to address the board.**

Commr. Younger commented that he understood Mr. Symanski's concern with the content; however, the Supreme Court decision did not allow it. He also noted there might be the ability to limit the time, but the renewal aspect looks as if after a certain number of renewals, they would not be allowed to put a sign up. He believed there should not be a limitation on renewals. Commr. Younger suggested they should limit to the four square feet for six months, subject to renewal every six months.

Ms. Ray noted staff had no objection to allowing renewals.

**There was consensus to allow one sign of four square feet with unlimited six-month renewals.**

Mr. Symanski questioned the ability to have three flags in one yard as he believed the Town should only allow one flag. Ms. Ray responded the Town had always allowed three flags. The reason for that was an issue with raising an U.S. Flag, a Florida State flag, and some other flags that were wanted. Chair Brown asked if the Town was controlled by any state law related to flags. Attorney Mooney-Portale commented she would like to review the laws addressing flags. Mr. Symanski also suggested a property be limited to one flag pole

**There was consensus to allow the Town Attorney to review the laws related to flag poles and bring the discussion back to the Board.**

Ms. Ray explained the Town did not allow signage that changes through LED lights or changing display graphics. She mentioned there was one sign on the island that has a “dynamic element,” which was the gas station on the south end. If the Board wished to allow the gas station to continue with their sign, then staff would recommend signs with ‘dynamic elements’ be allowed in C-3 zoning districts; that it must not change or move more often than every 20 minutes; and should not exceed 20 percent of the sign face. Chair Brown asked if it could be limited to six inches in height. Ms. Ray replied yes.

**There was consensus to limit graphics to six inches in height and a single sign.**

Ms. Ray commented that staff would work on the revisions and hoped to bring back to the Board as an ordinance at their September meeting.

The Board recessed from 10:15 am to 10:25 am.

Agenda Item 5  
Draft Zoning Code – PUD District addressing Non-conforming Properties  
and Mixed Use Properties

Ms. Ray noted that the P&Z Board had numerous joint meetings with the Town Commission to explore the issue of non-conforming density on the island and how to address it. Chair Brown commented that the Town has been dealing with this issue for a number of years, and he was not sure what directions were given to the consultants as there were newer members of staff that were not here during those past discussions. He was hoping that everyone was on the same page, and wished to confirm that what the Board was doing was to clarify our codes, fix our codes, but not to make it easier for a property to increase density. The residents did not wish to increase the density on Longboat Key and did not wish to see over-development on the island. He believed there was a very strong sentiment to “Keep Longboat Longboat.” He pointed out there was plenty of density available behind the gates. Mr. Symanski agreed with Chair Brown’s comments. Ms. Ray noted that an owner was currently allowed to build at their current density.

Ms. Ray commented that the direction provided was based on the consensus from the last joint meeting to provide a PUD zoning that will conform the existing density, allow properties to redevelop with their existing density and provide an opportunity for those properties to have some flexibility in design to allow for higher ceilings, to allow flexibility within the envelope, but to allow what they had. This draft was provided as something to start with and was based on the board’s consensus, but provides an opportunity for revision.

Mr. Garner discussed redevelopment was different than development. If they wished to address a renovation, it should not be a PUD, but some type of renovation code or something similar. He also noted if it was new construction, or new development, it should be limited to no less than five acres. Ms. Ray responded that the Town currently allowed less than five acres for a PUD, and there were no codes that addressed mixed use. She pointed out those areas on the island that would be able to take advantage of a revised code, which was also the direction received from the Town Commission and

P&Z Board. Mr. Symanski explained there was an indication that if they had a nonconforming setback, that was considered a 'vested right' if they came in for a PUD, but he disagreed, because a PUD was voluntary and asking for the benefit of all the flexibility. He did not believe they had a right to say they had a vested right in their setback. Ms. Ray commented the philosophy was to allow them to have what they currently have; it was the consensus that was reached by the board and Town Commission that it apply to other things besides the density (setbacks, lot coverage, etc). Chair Brown believed that was only in regards to density, not setbacks. Mr. Garner noted the idea of a PUD was to allow them to submit what they feel would fit, and the Town was under no obligation to approve anything.

Luis Serna, Calvin, Giordano & Associates, Inc., reviewed their PowerPoint presentation and discussed:

- Update to reflect modern development trends and best planning practices
- Make the regulations easier to read
- Make use of illustrations
- Eliminate unnecessary jargon
- Address inconsistencies
- Address issues that are unique to or of special concern to Longboat Key
- Consistency and predictability
- Legally defensible

Mr. Serna commented they would be reviewing the PUD regulations to address non-conforming properties with respect to density; to address current redevelopment restrictions; and, to provide a PUD zoning district.

Discussion ensued on:

- Concern with a Comprehensive Plan moving forward to a public hearing, and it says tourism, that a PUD can be submitted for half condominium and half tourism and be appropriate; under the 'Opportunity Areas' and the PUD, they could – there was currently not a method for mixing those uses
- Under a PUD, it provided the opportunity for someone to apply, but the Town Commission always had "absolute discretion"; if the Town Commission did not wish to allow mixed uses, then they were not required to approve
- A PUD is for the government to solicit ideas, opportunities, and/or suggestions and say 'yes' or 'no'; if written properly it approved nothing, but approved someone's right to submit a proposal to the Town, and the Town would inform them whether it would be allowed
- The board created 'Opportunity Areas' for residential, tourism, and commercial; those were 'floating' districts and were not placed on any properties at this time, but were future land use areas that a property owner can avail themselves of and the Town Commission can use to place on a property
- The 'floating' districts allowed flexibility and contemplated that the reason for developing those properties was a property owner that chose to utilize those areas would be doing such in conjunction with a PUD; it provided flexibility to propose a unique development

- There was a need for distinction between new development and redevelopment, because new development encourages the applicant to be creative, whereas redevelopment addressed an entire set of different issues, such as setbacks and density as redevelopment would be only modified
- concern that the Town could set some of their tourism sites into a situation where someone could come in and take away the tourism units again and make them residential units
- that properties that currently had tourism units, were zoned as tourism, and were used for tourism, can currently come in with nothing more than a site plan at reduced units; the proposed PUD did not provide any ability that they did not have currently

Mr. Symanski asked if there was a comprehensive plan for the Colony Beach & Tennis Resort (Colony) property that says how the property should be developed. Ms. Ray noted the Colony property had a Future Land Use (FLU) designation for commercial /tourism, but they were considering changing the designation to the commercial/tourism 'Opportunity Area' and rezone into a PUD. Steve Schield, Planner, noted that tourism currently allowed residential use, so if a project such as the Colony wished to come in and tear down their current units and build less condominium units, they can do that as they had a legal right. Mr. Symanski commented that he was used to PUDs where the comprehensive plan states what you want on a site, and the plan was submitted and conformed to the uses on the site. Ms. Ray pointed out that most comprehensive plans have a very large category for mixed uses; however, the Town's Comprehensive Plan did not. Discussion ensued on various comprehensive plans in other communities where they plan out properties and what would be allowed on sites, including mixed uses.

Mr. Serna continued with reviewing his PowerPoint presentation (slide 6) and PUDs. Mr. Symanski referred to the language 'runs with the land', noting the site plan approval was only approved for a certain amount of time and asked what happens to the zoning. Mr. Serna responded that it remained zoned PUD with those development standards, or they could apply to change the PUD standard. Chair Brown asked if a property would be in this category, if the property decided to rebuild the same number of units in the same location. Mr. Serna explained any redevelopment, or departure, would first have to go through the PUD process. Ms. Ray commented for the 'SP' district, the owner could bring in a survey that outlined where the buildings were located, along with the lot coverage, and it could be approved through a PUD 'SP' district now; they did not have to rebuild anything, but it conforms what they currently have to that PUD zoning district.

Mr. Serna provided an explanation of the 'Special Purpose (SP)' PUD. Mr. Symanski commented that the 'SP' district would declare these developments to be conforming. He asked if anyone considered what it did to adjoining properties, as far as what rights they might acquire. Ms. Ray explained it was considered, but it did not transfer rights to the adjacent neighbor. Attorney Mooney-Portale noted the issue was addressed in an earlier memorandum; the neighbors did not get conferred the entitlement as same as their neighbor. She mentioned the issue was included in materials that were distributed several months ago – one treatise article dealt specifically with PUDs and that question was addressed. Mr. Garner pointed out that everyone had a right to come in and apply

for anything they might want to do and either receive, or not receive approval. There was nothing stating that in approving property 'a', that the surrounding properties went with it; each property stood individually.

Chair Brown reviewed the history noting that they had made a lot of presentations where he had stated they would build to the same volume; they have told people certain information and now there was concern that was being changed. Ms. Ray responded when the board had their last joint meeting with the Town Commission, the direction received was to incorporate the flexibility to expand the cubic content and increase height to raise ceiling height. Chair Brown commented that he agreed with that. Mr. Schneier referred to the 'SP' district and asked what would be the expense and timeframe to get the designation and would property owners use it. Ms. Ray commented she did not believe it was used a lot, but it provided a method to do it, where they currently did not have that option. Chair Brown believed the approval should be administrative. Ms. Ray noted that the board had discussed various methods for that, but the consensus was to proceed through this process.

Mr. Serna discussed the intent language of the PUD and the uses permitted (slide 8). Mr. Symanski commented that no one knew until it actually went to the Town Commission. Ms. Ray explained the current residential Future Land Use categories would not allow tourism or commercial; the 'Opportunity / Commercial Tourism Areas' Future Land Use (FLU) residential categories would allow all on one site, but it was decided by the Town Commission.

Discussion ensued on:

- The process for approval and what was provided at the hearing
- Concern they would not know what was being proposed until the hearing, because the Town Commission can change it
- The intent noted it would apply to new developments or redevelopments, or any project within an 'Opportunity Area'; did a property have to first apply for and be approved into an 'Opportunity Area,' before it was eligible to do a PUD; it could be a straight FLU of commercial tourism or residential – does not have to be an 'Opportunity Area'
- That all the properties that changed their Comprehensive Plan FLU to an 'Opportunity Area' have to be a PUD, but could also use a PUD for those that were not in that district
- Using that example, they would not be allowed new uses that they were not allowed to have – slide 9 outlined the process for submitting

There was further discussion on how to handle public beach accesses. There was discussion of including an easement on the property, but clarifying the language. Mr. Symanski voiced concern as to whether that was legal, with Attorney Mooney-Portale noting she had flagged that item due to legal concerns with the Bert Harris Act. Ms. Ray commented that she had discussed it with the consultant and their attorney, and they were working on reviewing the exaction issue. Chair Brown pointed out the easement could be within the setback line. Ms. Ray replied correct.

Mr. Serna discussed height and lot coverage. Mr. Symanski asked if there could be a provision that stated, *'in exchange for receiving height and flexibility, they could conform where they can.'* Mr. Serna responded it could be addressed through review criteria. Mr. Symanski reiterated that the policy or ordinance should encourage the owner to conform where they could. Ms. Ray noted they could include language that stated the flexibility of heights, setbacks, and other criteria would be based on some type of evaluation as to conforming as much as possible or better. Mr. Serna reviewed illustrations of height (slides 11 and 12), and the proposal for percentage increase. Mr. Schneier asked what would happen to the non-usable space between floors. Mr. Serna responded it should be the same height. Ms. Ray explained the FEMA elevations had drastically changed, and they could no longer build on-grade; they would have to build up. There could not be livable space below the FEMA elevation. Chair Brown noted they had to be cautious with allowing too much flexibility; there was room, if there was a good reason, to ask the applicant to cut back additional footage.

Mr. Symanski asked if the heights noted included FEMA. Ms. Ray replied these heights were measured at the first floor, and they did not include FEMA. Mr. Symanski questioned if there was an idea in the difference in mass. Mr. Serna commented they could provide more detail on how much additional cubic volume would be provided.

The board recessed from 12:14 pm to 1:04 pm for lunch.

Mr. Serna reviewed slide 14 and the direction on what percentage to include. Ms. Bishop voiced concern with using a blanket percent increase. She suggested they include language of not to exceed 'x' feet as a height limitation and also address the percentage. Chair Brown noticed that on Longboat Key, staff measured height to the top of the sloped roof, but pointed out that in most places it was measured at mid-point or lower line. Ms. Ray responded that interpretation had been in place for many years, and they also did not include elevator shafts or ancillary equipment. The peak of the roof interpretation was decided on a long time ago. Mr. Schield explained that most concern had always been with the height and impact to views.

**Discussion ensued on possibly providing a certain height in feet versus a percentage, with the consensus for staff to bring back graphic options to show what the options would look like.**

Mr. Serna continued with reviewing the PowerPoint presentation (slides 15 and 16). He commented on the parking standards noting they allowed for language that stated it needed to meet the current parking standards of the code, and they allowed for a variance based on submittal of information and studies demonstrating that they could meet a different parking standard. Ms. Ray referred to the notation concerning a 'traffic survey' requesting that it be deleted and replaced with 'traffic studies.' She would eliminate the provisions that addressed 'patron surveys.' In discussing the review criteria, Ms. Ray noted that staff, would review to determine as to how a project complied with, and how it enhanced, the standards.

Mr. Symanski referred to the 'scenic areas' requesting that staff add something more specific. Mr. Schield discussed 'view corridors' noting the Town required view corridors,

but then the Board would require heavy buffering along the road. Chair Brown noted the Board needed to review those requirements. Ms. Ray explained that staff was making a lengthy list of items that needed to be reviewed, and modified, in the remainder of the Zoning Code.

Mr. Serna reviewed Page 18 and minor revisions to PUDs. Chair Brown questioned at what point would one need to submit a site plan. Ms. Ray explained they would have to have a site plan before they could build. The concept plan would give a general area of the location of the buildings, and once the zoning was in place, then they would submit a site plan, or they could submit it simultaneously, but it would not be approved until they received zoning approval.

Mr. Symanski referred to page 7, item 2, Periodic Review, and asked if that was upon application by the applicant/owner or the Town Commission could take up the review. Mr. Serna responded that was to allow for a project that may have some issues, and was not developing according to the Comprehensive Plan, then the Town Commission could take the initiative and initiate a review of a PUD. Mr. Symanski believed it would leave the owner/applicant out of it. Mr. Serna commented this would only be in cases to protect the public health, safety, and welfare. Attorney Mooney-Portale commented there might be a need to revise the language and ensure there was legal basis based on the Bert Harris Act.

Mr. Serna discussed 'Special Purpose District' noting it was not to be applied to redevelopment, but existing development that wished to remove the non-conforming status. Ms. Ray commented the 50 percent was based on FEMA standards and once they hit the 50 percent, they would be forced to redevelop and comply with the FEMA regulations. Discussion ensued on FEMA regulations and the language within the ordinance and possibly changing the language so as to not increase the existing non-conformity. Chair Brown discussed the larger projects and whether the 50 percent rule applied to the entire condominium site, or each building that was torn down. Ms. Ray requested that staff be allowed to review that issue and possibly revise the language to make that distinction.

Mr. Serna reviewed the next steps pointing out they would 'tweak' the language and work with staff and the attorney, and come back for public hearings for adoption of regulations. He discussed requesting public input on the zoning code rewrite. Ms. Bishop believed the board definitely needed one more workshop on this issue as it was too important of an implementation to take to a public hearing at this time.

**There was consensus to bring back in workshop format at the next meeting.**

Agenda Item 7  
Ordinance 2016-09, Comprehensive Plan Amendments  
(Continued from the June 21, 2016 meeting)

Maika Arnold, Planner, reviewed the Comprehensive Plan amendment ordinance, noting that at the June 21, 2016, meeting the Board directed staff to put together an inventory of existing recreational facilities, some options to add to the level of service,

and a policy for public art implementation. She continued with reviewing a PowerPoint presentation showing the facility requirements and a list of amenities.

Chair Brown asked if the Board had to discuss, at the Comprehensive Plan level, the details or just generalize; it seemed like it locked it in at this level. Ms. Arnold responded if the Board wished to get into the details, it would look similar to the current listing in the plan. Attorney Mooney-Portale discussed that the Town had an impact fee that was collected for open space (Land Acquisition Fund); it was a fund that would offset the impact from new development on a community. Mr. Schneier asked if the Town met all their goals outlined in the Comprehensive Plan, then they could not justify collecting additional monies. Attorney Mooney-Portale replied correct. Mr. Schneier asked if the funds could be used to build accessory uses on a property that was currently owned by the Town. Attorney Mooney-Portale replied the funds could be used to enhance existing amenities. Ms. Arnold explained the level of service in the Code has almost been met; if the Town added amenities, then it would allow the Town to collect the fees in order to improve the current facilities. Mr. Garner suggested that Policy 1.3.22 should be revised to remove the word 'create' since the fund was in existence. Attorney Mooney-Portale suggested revising to state 'continue and manage.'

**There was consensus to include all the amenities listed and revise the language in Policy 1.3.22.**

Ms. Arnold mentioned they would also be adding the amenities that were being included at Bayfront Park. The language would also be revised on the strategy to read, "continue and manage a land acquisition fund."

Ms. Arnold continued with discussing Public Art pointing out there was a board consensus to include a policy to address the issue. She mentioned that staff had created a goal to address Public Art along with inclusion of Objective 2.1, and Policy 2.1.1. Concerning the issue of public art, Mr. Garner commented the idea of a public art plan was great, but believed there should be monetary donations made and not the art itself.

**There was consensus the language be included as written.**

Ms. Arnold commented staff would bring back the ordinance to the next meeting for recommendation.

#### NEW BUSINESS

There was no New Business.

#### STAFF UPDATE

Ms. Ray informed the Board that staff would be bringing a site plan amendment for Chase Bank, which was to be located in the Shoppes of Bay Isles, for their review at their September meeting.

## ADJOURNMENT

The meeting was adjourned at 2:12 PM

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Ken Schneier, Secretary  
Planning and Zoning Board