

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL MEETING
JUNE 16, 2011 - 12:02 P.M.**

Present: Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Lynn Larson, Phillip Younger, Pat Zunz

Also Present: Town Manager Bruce St. Denis, Town Attorney David Persson, Town Clerk Trish Granger

Not Present: Commr. Hal Lenobel

CALL TO ORDER

Mayor Brown called the Regular Workshop Meeting to order at 12:02 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

QUASI-JUDICIAL – RESOLUTION AND PUBLIC HEARING

1. Quasi-judicial - Resolution 2011-18, Request for an Amendment of Site Plan Order 2008-01 for Bleu Claire Condominium (4765 Gulf of Mexico Drive) to Extend the Date in Condition 12(b) for Issuance of a Building Permit from January 18, 2009 to January 18, 2014

At their May 17, 2011 Meeting, the Planning and Zoning (P&Z) Board recommended denial of Resolution 2011-18, Bleu Claire Site Plan Amendment based on provisions in the Town's Zoning Code Section 158.099(F)(3). Resolution 2011-18 was forwarded by the P&Z Board for Town Commission action. Recommended Action: The Town Commission will base its decision on competent substantial evidence presented at this public hearing.

Mayor Brown reviewed the quasi-judicial hearing process.

Town Attorney David Persson commented on disclosure requirements and ex-parte communication, with none stated by Town Commissioners.

Mayor Brown opened the public hearing and Town Clerk Trish Granger administered the oath to those individuals providing testimony.

Planning, Zoning, and Building Department Planner Ric Hartman, duly sworn, presented an overview of the request and the basis for the Staff's recommendation for denial, and noted the P&Z Board's recommendation for denial. Discussions were held with Mr. Hartman on the following topics/issues:

- one of the P&Z Board's basis to recommend denial (legal authority)
- Site Plan review criteria amendments subsequent to the last extension to be considered
- required review/extension by State agencies
- beach access/parking.

1. Resolution 2011-18, Bleu Claire Condominium Extension Request - Continued

Mr. Randy Moore, Managing Partner of Crossgate Partners and duly sworn, noted submittal of the certified mail notices, provided an overview of the project and the request for a time extension, discussed economic impacts to the proposed project, advised that the FDEP (Florida Department of Environmental Protection) water permit has been extended for a five-year period, and supported approval. Discussions were held on the following topics/issues:

- current market conditions (upswing in market stabilizing pricing)
- pre-sale commitments in place
- issues to be encountered if request is not approved
- timeframe for processing recent request for a Site Plan Amendment
- proposed high-end market for the residential units
- existing inventory of unsold units on Longboat Key/design and location of developments with units being marketed
- expiration date of the existing SWFWMD (Southwest Florida Water Management District) permit
- FDEP permit expiration date for the Coastal Construction

Mr. Larry Grossman, St. Judes Drive and duly sworn, commented on the petition.

Mr. Moore commented on Mr. Grossman's presentation and the proposed development.

Upon inquiry, discussions were held with Mr. Hartman on the following topics/issues:

- reapplication process to ensure compliance with current Town Code requirements and conditions
- proposed location of the pool and the required setback from the Erosion Control Line (ECL)
- State review of the development
- extreme economic conditions to be considered/impact on development
- requirements for compliance with existing Code when building plans are submitted
- options to approve for a shorter time period
- development timeline submitted by applicant.

Town Attorney Persson noted that Staff has prepared an additional Resolution that could be considered relating to approval of the application and Mr. Hartman distributed copies to the Town Commission.

Mr. George Spoll, Harbourside Drive and duly sworn, commented in support of the request for an extension.

Upon inquiry, Mr. Hartman provided an overview of the amendments in the Resolution to provide the necessary basis for an approval of the request.

As no others wished to speak, Mayor Brown closed the public hearing.

1. Resolution 2011-18, Bleu Claire Condominium Extension Request - Continued
Town Clerk Trish Granger placed Resolution 2011-18 on record by title only.

Commr. Younger moved to pass Resolution 2011-18, approving the Bleu Claire Site Plan Amendment Extension Request. The motion, seconded by Commr. Larson, carried by a 6-0 roll call vote, as follows: Younger, aye; Larson, aye; Duncan, aye; Zunz, aye; Brown, aye; Brenner, aye.

RESOLUTION

2. Resolution 2011-23, Providing Town Manager Authority to Re-open the Beach Access and parking Area at the Western Terminus of North Shore Road

On April 2, 2009 the Town Commission passed Resolution 2009-18 temporarily closing the beach access and parking area due to severe beach erosion. Following placement of 130,000 cubic yards of sand in the area, the access and parking area are ready to be reopened. The Town Manager seeks Commission authorization to re-open the North Shore Road beach access and parking area with the completion of the emergency sand fill project at the North end. Recommended Action: Pending discussion, pass Resolution 2011-23.

Town Clerk Trish Granger placed Resolution 2011-23 on record by title only.

Commr. Larson moved to pass Resolution 2011-23. The motion was seconded by Commr. Duncan.

Town Manager Bruce St. Denis provided an overview of previous and current conditions of the beach area on North Shore Road.

Following comments, the motion carried by a 6-0 roll call vote, as follows: Larson, aye; Duncan, aye; Zunz, aye; Brown, aye; Brenner, aye; Younger, aye.

ADJOURNMENT

Mayor Brown noted the Town Commission Regular Workshop meeting would begin following a short break and adjourned the June 16, 2011, Special Meeting at 1:05 p.m.

/s/ Trish Granger
Trish Granger, Town Clerk

/s/ James L. Brown
James L. Brown, Mayor

Minutes Approved: 07/11/2011