

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL MEETING
JUNE 7, 2010 - 9:00 A.M.**

Present: Mayor George Spoll, Vice Mayor Jim Brown, Commrs. David Brenner, Lynn Larson, Hal Lenobel, Robert Siekmann, Phillip Younger

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

CALL TO ORDER

Notice is hereby given that the Mayor of Longboat Key has called a Special Meeting on June 7, 2010 at 9:00 AM at the Temple Beth Israel located at 567 Bay Isles Road, Longboat Key, Florida, for the purpose of discussing the following items:

Mayor Spoll called the meeting to order at 9:11 a.m. and noted the summer dress code.

1. Appointment to Fill Vacancy of At-Large Town Commission Seat Due to Resignation of Commissioner Jaleski

On May 25, 2010 Commissioner Gene Jaleski submitted a letter of resignation for the At-Large Commission Seat effective immediately. The Town Charter Article II, Section 8 provides options to fill the vacancy. Recommended Action: Pending discussion, provide direction to Manager.

Mayor Spoll opened the floor for nominations.

Commr. Brenner nominated Mr. Phillip Younger to serve in the District At-Large Commission Seat, seconded by Vice Mayor Brown.

Commr. Lenobel nominated Ms. B.J. Webb to serve in the District At-Large Commission Seat

Commr. Siekmann nominated Mr. Peter O'Connor to serve in the District At-Large Commission Seat.

Mayor Spoll closed the floor to nominations.

Town Clerk Trish Granger proceeded with a roll call vote on the nominations, as follows:

**Commr. Brenner cast a vote for Mr. Phillip Younger
Vice Mayor Brown cast a vote for Mr. Phillip Younger
Commr. Larson cast a vote for Mr. Phillip Younger
Mayor Spoll cast a vote for Mr. Phillip Younger
Commr. Lenobel cast a vote for Ms. B.J. Webb**

Following comments from Commr. Siekmann, there was consensus for the unanimous appointment of Mr. Phillip Younger to serve in the Commission District At-Large seat, for a term effective through March 2011, for the seat vacated by Commr. Gene Jaleski.

1. Appointment to Fill Vacancy of At-Large Town Commission Seat - Continued
Mr. Phillip Younger submitted his resignation from the Planning and Zoning Board.

Town Clerk Granger administered the Oath of Office to Mr. Phillip Younger, Commissioner District At-Large.

Commr. Younger took his seat on the dais.

2. Quasi-Judicial – Ordinance 2009-25, Longboat Key Club and Resort - Islandside, 361 Longboat Club Road and 301 Gulf of Mexico Drive, Outline Development Plan Amendment

Public hearing to consider Ordinance 2009-25, an Outline Development Plan (ODP) Amendment request, submitted by the Key Club Associates, Limited Partnership and Islandside Development, LLC, property owners and applicant, for the Longboat Key Club and Resort, Islandside, located at 361 Longboat Club Road and 301 Gulf of Mexico Drive, to redevelop the existing 18 hole golf course, and to construct the following: golf clubhouse and parking structure; golf club multifamily residential structures (70 units); resort meeting center/administrative office building and parking structure; hotel with 196 tourist units, 76 residential/tourism units, restaurant/lounge and parking structure; 18 residential villas; and, spa/ fitness center. Recommended Action: The Town Commission will base its decision on competent substantial evidence presented at this public hearing.

Mayor Spoll opened the public hearing and Town Clerk Trish Granger placed Ordinance 2009-25 on the record for first reading and public hearing by title only.

Mayor Spoll reviewed the proposed schedule and the quasi-judicial hearing process.

Town Clerk Granger administered the oath to those individuals who would be presenting testimony at the public hearing.

Town Attorney David Persson noted the meeting is a continuation of the previous public hearings, provided an overview of the record, and requested confirmation of the new Commissioners on review and knowledge of the record.

Comms. Brenner, Larson, and Younger confirmed that they had attended or have reviewed the record on the proceedings for the proposed Longboat Key Club Islandside ODP Amendment application.

Upon inquiry, Commr. Brenner noted he is a member of the Longboat Key Club.

Following comments, Town Attorney Persson requested disclosure of any ex-parte communication.

Commr. Siekmann noted he visited the Tennis Center to review the model to be displayed this date.

2. Ordinance 2009-25, Longboat Key Club ODP Amendment - Continued

Mayor Spoll noted a site visit to ride and walk through the property and advised that he did not hold any discussions on the petition.

Vice Mayor Brown noted site visits and confirmed of no discussion of the petition.

Commr. Larson noted drive-by site visits and confirmed of no discussion of the petition.

Commr. Younger noted site visits and attendance at previous meetings on the project during Planning and Zoning Board consideration and Town Commission consideration.

Town Attorney Persson noted newly appointed Commissioner, Phillip Younger, had presented testimony at prior hearings but did not make a statement or take a position on the petition at that time and opined that he was eligible to participate in the public hearings.

Town Attorney Persson noted the need to establish time limits of two hours for the Town, the Longboat Key Club, and the Islandside Property Owners presentations.

Commr. Siekmann inquired as to adjournment and the schedule for any required continuance and Town Attorney Persson noted the date and time for the continuance of the public hearing, if necessary

Mayor Spoll noted the schedule for the day pertaining to presentations, recesses, and the schedule for continuances.

Town Attorney Persson inquired and Mayor Spoll advised that the Ordinance title had been read but that a motion was not currently on the floor.

Planning, Zoning, and Building Director Monica Simpson, duly sworn, presented an overview of the amended ODP Amendment Application from the Longboat Key Club and noted distribution of additional material on June 4, 2010, submitted by the Key Club.

Ms. Simpson reviewed the following topics/issues:

- impacts of Ordinance 2010-16, Zoning Code Amendments adopted by the Town Commission
- Project Summary
- changes from the original application
- requested departures
- assessment of amended ODP application by Staff
- role of Staff members (Director, Planners, and Legal Review) in review of petition
- Staff recommendation and issues considered in the determination for denial of the redevelopment request as proposed.

2. Ordinance 2009-25, Longboat Key Club ODP Amendment - Continued

Upon inquiry, Ms. Simpson commented on a binding Concept Plan. Discussion ensued with Ms. Simpson and Attorney Nancy Stroud, duly sworn, on the following topics/issues:

- inclusion of binding Concept Plan in Ordinance 2009-25
- identification of Staff members who reviewed/worked on petition
- consideration of departures as a whole versus individually
- proposed time schedule outlined (NP8)/impact of current economic issues
- entry gate issue and necessity for private parties to work out any changes to entry gate area
- model presented (on display) and appearance of encroachment on existing golf course
- concerns expressed on the relationship of meeting center office, adjacent garage, and hotel relating to circulation between buildings/consideration of relocation of road to the north
- Staff review and options considered for the layout of the parcels
- height restrictions/options to further reduce residential buildings
- impact of road relocation on density issues/concerns.

Attorney Stroud commented on and reviewed the following items/topics:

- Staff's review and interpretation of the Town Code and the weight given to the professional Staff's recommendation by the court system
- the proposed Ordinance allowing an approval of the application with numerous conditions and advised that additional conditions or amendments can be made to the Ordinance
- identified findings that have to be made by the Commission in consideration of the application as identified in the Town Code
- interpretation and need for compliance with the Town's Comprehensive Plan and Land Development Regulations
- allowances available in the Comprehensive Plan for a well defined application
- available discretion in the Land Development Code to deny the request
- Staff's opinion of non-consistency with Comprehensive Plan.

RECESS: 10:40 a.m. - 10:52 a.m.

Mayor Spoll called the meeting back to order.

Mr. Bill Oliver with Tindall-Oliver and Associates, duly sworn, presented a review of the previous traffic report and updated traffic review of the revised petition. Discussions were held on the following topics/issues:

- chart entitled "Comparison of Intersection Delay
(EBL - East Bound Left; EBR - East Bound Right; NBL - North Bound Left; NBT -North Bound Town of Longboat Key; SBT - South Bound Town of Longboat Key)
- concurrency standards and limits during special event times

2. Ordinance 2009-25, Longboat Key Club ODP Amendment - Continued

- relocation of turn in to the Longboat Key Club / Applicant's recommendation of 300 foot turn lane (too short)
- traffic review and recommendation of minimum 1,000 foot turn lane
- estimated traffic volumes for various roadway improvements.

Upon inquiry, Mr. Oliver reviewed various traffic models as follows: Gulf of Mexico Drive northbound left turn into Key Club with 300 foot turn lane; eastbound left turn lane; Gulf of Mexico Drive northbound with dual left turn lanes.

Mr. Oliver noted the recommendation included in the proposed Ordinance. Discussions were held on the following topics/issues:

- options for a roundabout (not reviewed by Tindall-Oliver)
- analysis utilized incorporated volumes provided by applicant
- non-utilization of bridge openings
- inclusion of stop light at Ken Thompson Parkway.

Attorney John Patterson, representing the Longboat Key Club and duly sworn, proceeded with cross-examination of Mr. Oliver, discussing the following topics/issues:

- Comparison of Intersection Delay - pre-event occurrences
- traffic light cycle failures during special event activities
- additional cycle failures anticipated during regular daily traffic caused by bridge openings and other off-island events
- lack of clarity in Town Code relating to traffic requirements.

Attorney Michael Furen, representing the Islandside Property Owners' Coalition (IPOC), LLC, proceeded with cross-examination of Mr. Oliver relating to the Town's Level of Service (LOS) Standards.

Town Attorney Persson inquired and Attorney Stroud commented on the application and consistency with the Comprehensive Plan relating to mixed uses, goals outlined in the Land Use Elements of the Comprehensive Plan, and court review for consistency with the Comprehensive Plan in consideration of an appeal.

Attorney Furen proceeded with cross-examination of Ms. Simpson on the following topics/issues:

- inclusion of all required information in compliance with sections of the Town Code requiring submission of a Site Plan
- lack of Binding Concept Plan
- incomplete determination of compliance due to lack of submission of a Site Plan.

Attorney Patterson inquired and Ms. Simpson noted that the levels of detail relating to departures would be reviewed during the Site Plan approval process.

2. Ordinance 2009-25, Longboat Key Club ODP Amendment - Continued

Attorney Michael Furen, representing IPOC and duly sworn, introduced Mr. Martin (Marty) Black and provided Mr. Black's credentials to present testimony.

Mr. Black, duly sworn, provided testimony on the petition, discussing the following topics/issues:

- proposed development intensity and opined of non-compliance with the Zoning Code
- floor area calculations
- density as pertaining to Land Development Regulations
- permitted non-residential use in GPD (Gulf Planned Development)
- maximum building length
- conflict with existing easements
- circulation concerns (stacking issues and delays) and connectivity standards
- visual and aesthetic character (Future Land Use Element)
- Comprehensive Plan inconsistency
- accessory structures and uses
- reduction of parking by 50 percent (reduction of 296 parking spaces required by the Land Development Regulations)
- Open Space Allocation
- recreational area and density calculations.

Upon inquiry, Mr. Black responded to inquiries on the required parking spaces for number of units proposed.

RECESS: 11:53 a.m. - 1:00 p.m.

Mayor Spoll called the meeting back to order at 1:00 p.m.

Mayor Spoll noted that, with the exception of Wednesday, June 9, 2010, all future meetings will be held at Town Hall, 501 Bay Isles Road.

Attorney Patterson, representing the Longboat Key Club, provided an overview of the existing development on the property and introduced Mr. Rob Hutchinson with EDSA to address the proposed development application.

Mr. Hutchinson, with EDSA and duly sworn, provided an overview of the planning process for the proposed ODP amendment and the current plan for the Islandside property. Discussions were held on the proposed location/relocation of the gate house.

Upon inquiry, Ms. Simpson commented on the applicants' intent relating to the gate house noting that it is currently not shown on the revised plans in the existing submission on Sheets MP2 on the Concept Plan and discussions were held between Ms. Simpson and Attorney Patterson on the proposed location of the gate house. Ms. Simpson noted that prior meeting dates reflected traffic movements and advised that leaving the gate house in the current location is not supported by Staff. Discussion ensued on Staff's recommendation for the location of the gate house.

2. Ordinance 2009-25, Longboat Key Club ODP Amendment - Continued

Attorney Patterson noted on-going discussions relating to the gate house with the Road Association and the preference to retain the gate house at the current location.

Mr. Hutchinson responded to inquiry regarding the "program" referenced to in the presentation advising of the goal to create a sustainable resort with mixed uses. Attorney Patterson noted the intent to have a world-class development for years in the future. Discussions were held with Mr. Hutchinson, Mr. Michael Welly, with the Longboat Key Club and duly sworn, and Attorney Patterson on the following topics/issues:

- determination of the design for the project pertaining to roadway reconstruction/ relocation of the gate house
- utilization of the gate house as a "Welcoming Center" to the development
- cost of relocating the roadway and underground utilities
- perception of conflict between existing residential property owners and commercial development
- roadway elevation relating to the differential between first floor elevation of hotel
- impact of access to the existing Chart House Restaurant
- issues related to the relocation of the roadway.

Attorney Furen began cross examination of Mr. Hutchinson, with discussions held on the following topics/issues:

- development of the tabletop model
- lack of depiction of some existing development on the property
- number of restaurants proposed for the property.

Attorney Patterson submitted for the record the certification of JAG Collective, Inc., who built the architectural scale model in use this date and introduced Mr. Bruce Brosch, providing a record of his credentials.

Mr. Brosch, with Nichols-Brosch and duly sworn, commented on his company's review and development of the Islandside project and other major projects that have utilized his firm's experience and provided an overview of the proposed project. Discussions were held with Mr. Brosch, Mr. Welly, and Attorney Patterson on the following topics/issues:

- location of food preparation for pool guests
- options for acquisition of the Chart House Restaurant
- consideration of incorporating the meeting center within the hotel facility
- costs issues for acquisition of the Chart House Restaurant
- location of meeting center in comparison to the hotel facility
- anticipated risk and profit margin (economic value)
- options for redistributing/combining structures
- designation of hotel as a resort hotel versus a convention center hotel
- consideration for use of meeting center by the Town Government for special functions.

2. Ordinance 2009-25, Longboat Key Club ODP Amendment - Continued

Attorney Furen proceeded with cross examination of Mr. Brosch and Mr. Welly on the following topics/issues:

- use of hotel parking for meeting center guests
- component of meeting center's use by hotel guests versus non-hotel guests
- ancillary use of meeting center versus parking requirements
- parking study discussions
- food service functions/anticipated commissary kitchens/catering functions
- anticipated number of new restaurants.

Mr. Michael Welly commented on the spa facility, the existing fitness center, and the wellness center. Mr. Welly noted the facility was approximately 20,000 square feet and discussed the golf course, addition of new pools (three, not inclusive of villa pools), reduction in number of tennis courts, replacement of driving range with a warm-up range, and relocation of golf school and individual instruction. Discussions were held with Mr. Welly on the following topics/issues:

- utilization of Reese Jones for golf course design
- proposed location of warm-up center (120 feet wide by 120 feet long)
- availability of Harbourside driving range with transportation provided.

Attorney Stroud requested clarification from Mr. Brosch on the determination of the meeting center as an additional use.

RECESS: 2:51 p.m. - 3:04 p.m.

Mayor Spoll called the meeting back to order at 3:04 p.m.

Attorney Patterson introduced and provided credentials for Mr. Joel Freedman.

Mr. Freedman, duly sworn, commented on the proposed development and opined consistency of the project. Mr. Freedman discussed mixed use developments and noted disagreement and reviewed Staff's findings, and commented on the requested departures.

Attorney Furen proceeded with cross examination of Mr. Freedman discussing the following topics/issues:

- location within the Town's Comprehensive Plan for project consistency, tourism uses, retail uses, intensity, and clustering
- reduction of intensity and density to reduce required number of departures.

Attorney Patterson redirected to Mr. Freedman relating to mixed use provisions in the Comprehensive Plan.

2. Ordinance 2009-25, Longboat Key Club ODP Amendment - Continued

Attorney Patterson introduced and provided credentials for Mr. Joseph Lessor, Loeb Realty Group. Mr. Lessor, duly sworn, commented on the Town Commission's diligence in consideration of the petition and thanked the Town Commission, the Planning and Zoning Board members, Town Staff, and the Town Attorney for their work on the project. Mr. Lessor noted the efforts expended by Loeb Realty Group for the development and re-creation of the proposed project and supported Commission approval.

Attorney Furen inquired on the anticipated economic gain and Mr. Lessor noted that the financials were undetermined and could not be estimated at the current time.

Attorney Patterson introduced and provided credentials of Mr. Hank Fishkind. Mr. Fishkind, duly sworn, commented on the proposed amendments and discussed the anticipated needed improvements and comparisons of other communities that will provide added value to the Town and the citizens.

Mr. Fishkind commented on the time element of the tourist area life cycle. Attorney Patterson advised that information was included in the documentation on the tourism life cycle. Discussion ensued on with Mr. Fishkind, Attorney Patterson, and Mr. Welly on the following topics/issues:

- tourism volume at the Longboat Key (currently at 2000-2001 levels)
- level of golf club memberships
- continuing costs for maintenance of golf courses
- number of memberships and dues paying members
- decrease in number of rounds of golf played over the recent tourism season
- total number of rounds played in 2000 (79,000) versus 2008 (46,000).

Attorney Patterson introduced and provided credentials of Dr. Dan Whiteman, President of Coastal Construction in Miami. Dr. Whiteman, duly sworn, noted that until 1972 his company did the construction for Arvida Corporation and additional developments constructed on Longboat Key, noted the experience of building on Longboat Key and the intent to limit disruption to residents and guests in the construction of the proposed project. Dr. Whiteman reviewed the project phasing and anticipated construction management process provided by Coastal Construction.

Discussions were held with Attorney Patterson and Dr. Whiteman on the following topics/issues:

- proposed project phasing
- originally established phasing in accordance with revised proposal
- anticipated marketability of condominium units built over the hotel
- construction of amenities in first phase
- timing for the construction of amenities and hotel
- options to change phasing plan.

2. Ordinance 2009-25, Longboat Key Club ODP Amendment - Continued

Attorney Patterson introduced and provided the credentials for Mr. Mel Crawford and Mr. Joe Grimail of Grimail Crawford, Inc. Mr. Grimail, duly sworn, commented on the traffic analysis performed and the Staff report. Mr. Grimail requested submittal of a Technical Memorandum from Mr. Dan Burden on the assessment of improved walkability for Longboat Club Road.

Attorney Furen objected to the submission of documentation when the expert witness was not available for cross examination.

Discussions were held on the admission of the report for the record. Town Attorney Persson advised that the evidence could be submitted and inquired as to the availability of Mr. Burden for cross examination.

Mr. Grimail continued the presentation providing an overview of Mr. Burden's report and recommendations. Commr. Siekmann referenced page 4 of Mr. Burden's report.

Attorney Furen proceeded with cross examination of Mr. Grimail on the opinion of Mr. Grimail on identification of future transportation issues and the impact of St. Armands Circle traffic.

Upon inquiry, Mr. Grimail and Mr. Welly commented on the traffic flow as it pertains to special events and traffic mitigation for special events.

Attorney Richard Ulrich, duly sworn, proceeded with cross examination of Mr. Grimail in reference to the preferred location of the gate house for pedestrian safety. Mr. Mel Crawford, duly sworn, noted testimony at previous hearings relating to the function of the gate house. Mr. Grimail commented on the residential versus commercial traffic analysis and special event traffic control.

Attorney Stroud requested consideration for Staff review of the study submitted and advised that comments could be provided on Wednesday, June 9, 2010.

Attorney Patterson inquired as to review of Mr. Burden's report and Mr. Grimail indicated his concurrence with the report submitted. Attorney Patterson commented on the site plan process to address traffic issues raised and noted that if desired by the residents, the Longboat Key Club will agree to additional mitigation items.

Attorney Patterson noted the Longboat Key Club testimony is concluded at this time and would complete summary and closing remarks later in the hearing.

Town Attorney Persson inquired and Attorney Furen advised that he had not been provided the opportunity to review the material from Mr. Burden and advised he would review and respond on the need to request Mr. Burden's attendance for cross examination opportunity.

2. Ordinance 2009-25, Longboat Key Club ODP Amendment - Continued

Attorney Patterson noted three housekeeping items to address, as follows:

- letter from Mr. Marty Black to Attorney Furen dated January 12, 1999
- Land Donation Agreement between Arvida and the Town dated October 7, 1985 and Resolution 86-1
- letter from Coastal Planning and Engineering relating to the lagoon determination.

Attorney Furen noted objection to the submission of correspondence from Coastal Planning and Engineering and Attorney Patterson provided a copy for the record. Town Attorney Persson advised that the letter could be challenged during the hearing process by Attorney Furen, if desired.

3. Other Business

Mayor Spoll noted the Town Commission Regular Meeting later this date (7:00 p.m.) and the necessity to have a new Commission photo taken. Individual comments followed on the dress code for the meeting.

RECESS:

Following comments, Mayor Spoll noted the public hearing will be continued to June 9, 2010, at 9:00 a.m. to be held at the Temple Facility, 567 Bay Isles Road, Longboat Key, and recessed the public hearing at 4:48 p.m.

s/s/ Trish Granger
Trish Granger, Town Clerk

/s/ George Spoll
George Spoll, Mayor

Minutes Approved: 09/13/2010