

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL WORKSHOP
APRIL 16, 2010**

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

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

CALL TO ORDER

The Special Workshop of the Longboat Key Town Commission was called to order at 2:00 p.m., at the Temple Beth Israel, 567 Bay Isles Road, Longboat Key, Florida.

1. Proposed Ordinance 2010-16, Amending Chapter 158, Zoning Code of the Town of Longboat Key

At their April 6, 2010 Planning & Zoning (P&Z) Board Meeting the Board recommended approval of proposed Ordinance 2010-16 and forwarded to the Town Commission for consideration. Recommended Action: Pending discussion, provide direction to Manager.

Mayor Spoll called the meeting to order.

Town Attorney David Persson presented an overview of the proceedings.

Planning, Zoning, and Building Department Director Monica Simpson noted distribution of a revised draft Ordinance, commented on the proposed Ordinance noting the first Section to be considered is Section 158.009, Subsection (L), and advised that Town Attorney David Persson intended to discuss the proposed revision.

Town Attorney Persson noted a recommendation to delete the sentence from Section 158.009(L) as follows:

In the event of any conflict between the specific provisions of this section 158.009(L) and the provisions of any other section of the Zoning Code, the specific provisions of this section shall apply.

There was consensus to delete the sentence as recommended by Town Attorney Persson.

Ms. Simpson continued her presentation and reviewed the Planned Development District Designations. Discussions were held on the following topics/issues:

- identification of developments zoned PD, GPD, and NPD districts
- inclusion of the phrase "but not limited to" in paragraph two of Subsection (L)
- clarification of the zoning districts included.

1. Proposed Ordinance 2010-16, Amending Chapter 158, Zoning Code - Continued

Following comments, Town Attorney Persson requested that the language in Section 158.067, Subsection (D)(3)(g) be modified as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

Departures from the ~~code of ordinances~~ Land Development Regulations and a statement of . . .

There was consensus to accept the recommended language modification.

Ms. Simpson continued the presentation and opined that modifications outlined to Section 158.071, Proposed Land Uses, Section (A)(2), would be a policy change to be considered. Discussion ensued with Ms. Simpson and Town Attorney Persson on the determination of accessory commercial land uses as it relates to the calculation of the five percent maximum and the following topics/issues:

- determination of the Chart House Restaurant as an accessory use at it's current location
- clarification of definition for "accessory use"
- significance of proposed deletion of "nonresidential" to reflect "commercial"
- impact of accepting the proposed language change
- determination of tourism units as commercial versus residential classification
- impact of proposed change on properties throughout the Town
- option to provide analysis of tourism classification
- residential versus commercial versus tourism categories
- impact of retaining current language (tourism counted towards 5% commercial use)
- creation of non-conformities if policy is changed
- impact of proposed modifications to Subsections (A)(3) and inclusion of a new Subsection to be identified as (A)(4).

There was majority consensus to accept Section 158.071(A)(2) as submitted this date.

Ms. Simpson reviewed Section 158.071, Subsection (D). Discussions were held on the following topics/issues:

- impact on 250 tourism units approved by referendum
- zoning classifications permitting the place of the 250 tourism units.

There was consensus to accept the proposed language as submitted this date.

Ms. Simpson reviewed Section 158.102, Subsection (L) and opined that acceptance of the section would be considered a policy change from current practices. Discussions were held on the current development standards/requirements.

1. Proposed Ordinance 2010-16, Amending Chapter 158, Zoning Code - Continued

There was majority consensus to accept Section 158.102(L) as submitted this date.

Ms. Simpson reviewed proposed modifications to Section 158.102, Subsection (L)(3). Discussions were held on the following topics/issues:

- supplemental controls in place / lot line controls
- utilization of the word "through" versus strikethrough language of "centered on"
- recommendation from Bradford Saivetz on retaining current language.

Upon inquiry, Ms. Simpson provided draft language for consideration relating to maximum building length.

There was consensus to accept Staff's recommended language as provided by Ms. Simpson.

Ms. Simpson commented on Section 158.132, Subsection (B).

There was consensus to accept the proposed language as submitted by Ms. Simpson.

Attorney John Patterson, representing the Longboat Key Club, introduced Mr. David Leach, with the Longboat Key Club, and requested determination of time to be provided for his presentation.

Mayor Spoll noted he would be provided five minutes, that could be adjusted by consensus of the Commission.

Attorney Patterson opined as to non-compliance throughout the Zoning Code with discussions held on the following topics/issues:

- Section 4 of proposed Ordinance relating to the 5% (percent) rule on non-residential to commercial
- existing non-conformities throughout the Town.

Town Attorney Persson commented on the creation of a non-conformance parcel versus existing development rights under current zoning.

Discussions were held with Attorney Patterson and Ms. Simpson on the following topics/issues:

- impact of non-conforming uses and modification of the 5% non-residential maximum calculation
- existing non-conforming properties throughout the Town
- intent to bring consistency to Code by the applicant

1. Proposed Ordinance 2010-16, Amending Chapter 158, Zoning Code - Continued

- impact for any property with mixed use (residential and non-residential)
- effect on commercial financing for legal non-conformities
- impact on the proposed Longboat Key Club development without modifications requested.

Upon inquiry, Ms. Simpson noted a preference to raise the cap on the percentage of non-residential versus inserting the word “commercial.”

Town Attorney Persson noted the proposed language from Attorney Patterson could be accepted by consensus with further modifications prior to first reading.

Ms. Simpson commented on concerns by residents in the Bay Isles PUD/PD as to the impact of the language modifications.

Commr. Brenner suggested reverting to non-residential reference and placing a set percentage for commercial use.

Discussion ensued on the proposed language modifications to Section 158.071(A)(2).

There was majority consensus to reinstate the word “non-residential” and to delete the last sentence of the Section.

Attorney Patterson commented on Section 158.102(L)(3). Mr. David Leach, Project Manager for the Longboat Key Club, displayed a sketch relating to Section 158.102(L)(3) and discussed the difficulty of determining compliance. Discussion ensued on the “view” angle of the placement of a structure relating to maximum length.

RECESS: 3:40 p.m. - 3:50 p.m.



Attorney Michael Furen, representing the Islandside Property Owners Coalition, LLC, distributed a chart titled “Impacts of Proposed Amendments” and reviewed the chart. Attorney Furen referenced correspondence from Attorney Patterson to Town Attorney Persson relating to the requested amendments to the Zoning Code, reviewed sections of the Town code relating to tourism determination and commercial uses, and opined of the impact of development, increased density, and negative impact to the Town’s Goals and Objectives outlined in the adopted Comprehensive Plan. Attorney Furen supported rejection of the proposed amendments to the Zoning Code.

Upon inquiry, Attorney Furen opined of the impact of the amendments to the overall development on the Town’s residents and that all of the proposed amendments reflect policy changes.

1. Proposed Ordinance 2010-16, Amending Chapter 158, Zoning Code - Continued

Upon inquiry, Attorney Nancy Stroud commented on the proposed language clarification and discussions were held with Attorney Stroud and Town Attorney Persson on the following topics/issues:

- Section 158.029 - Criteria for Waivers
- basis for PUD flexibility and procedure for granting departures.

Discussion ensued on the basis for departures and position of Attorney Furen on the requested amendments.

The following individuals commented on the proposed Ordinance and Zoning Code amendments:

- Mr. Arthur Coren, 545 Sanctuary Drive
- Mr. Bob White, 435 Longboat Club Road
- Mr. Tom Aposporos, President Longboat Key, Lido Key, and St. Armands Key (LLSA)
Chamber of Commerce
- Mr. Julian Hansen, 100 Sands Point Road

Subsequent to individual comments, Town Attorney Persson commented on the proposed amendments to the Zoning Code and the impact of non-approval of the amendments to any legal challenge that might be filed relating to the Longboat Key Club development application. Upon inquiry, Town Attorney Persson discussed the process to consider departures to a development application and issues to be considered in the quasi-judicial procedures.

Following comments, there was majority consensus to forward proposed Ordinance 2010-16 to May 3, 2010, for first reading and public hearing, at 9:00 a.m., with the amendments noted this date through consensus.

Town Manager Bruce St. Denis requested direction on the location of the public hearing, there was consensus to hold the public hearing at Town Hall, 501 Bay Isles Road, Longboat Key, Florida.

ADJOURNMENT

Mayor Spoll adjourned the April 16, 2010, Special Workshop Meeting at 5:15 p.m.

s/s/ Trish Granger
Trish Granger, Town Clerk

/s/ George Spoll
George Spoll, Mayor

Minutes Approved: 09/13/2010