

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL MEETING
FEBRUARY 19, 2010 - 8:00 A.M.**

Present: Mayor Lee Rothenberg, Vice Mayor Robert Siekmann, Commrs. Jim Brown, Gene Jaleski, Hal Lenobel, Peter O'Connor, George Spoll

Also Present: Town Attorney David Persson, Town Clerk Trish Granger

CALL TO ORDER

The Special Meeting of the Longboat Key Town Commission was called to order at 8:05 a.m., in the Temple Beth Israel, 567 Bay Isles Road, Longboat Key, Florida, to consider the following item:

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

Public hearing continued from February 12, 2010, for the purpose of considering Ordinance 2009-25, a petition by the Longboat Key Club and Resort - Islandside, to amend the Outline Development Plan (ODP) for the property located at 301 Gulf of Mexico Drive. The applicant, Key Club Associates, Limited Partnership and Islandside Development, LLC, property owners, are requesting an ODP amendment approval for the Longboat Key Club and Resort – Islandside, located at 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 condominiums (132 residential units); resort meeting center and administrative building, and parking structure; hotel with 196 tourist units, 34 residential units, restaurant/lounge; 10 residential villas; and, spa and fitness center. Recommended Action: The Town Commission will base its decision on competent substantial evidence presented during the public hearing.

Mayor Rothenberg called the meeting to order at 8:05 a.m. and Town Clerk Trish Granger called the roll for attendance, with all Commissioners present.

Mayor Rothenberg noted that Attorney John Patterson, representing the Longboat Key Club was not present and called a brief recess pending his arrival.

RECESS: 8:07 a.m. - 8:13 a.m.

Attorney John Patterson inquired as to the schedule for the day and Town Attorney David Persson advised that the public hearing was continued to 8:00 a.m. this date and that a Special Meeting has been scheduled for 9:00 a.m. to consider proposed amendments to the Open Space Agreement and the Stipulated Final Judgment.

Attorney Patterson commented on the status of the review of the revised development plan submitted at a previous hearing, noted issues identified relating to interpretation and application of the Town Code, and confirmed that the revised plan review has not been completed.

1. Ordinance 2009-25, Key Club and Resort - Islandside, ODP Amendment - Continued

Attorney Patterson advised that the parties were not prepared to move forward with the public hearing this date and requested a continuance to provide addition review time for Staff and the applicant.

Mayor Rothenberg inquired and Attorney Patterson advised that application of the Code provisions to the revised plans have not been resolved, noting an issue relating to the “view angle” interpretation.

Town Attorney Persson noted the major modifications to the Longboat Key Club's original application submission and Attorney Patterson noted there are additional issues that need to be resolved pertaining to the revised submittal.

Commr. Lenobel noted the impact of the continuances and the time frame for the upcoming Town election. Town Attorney Persson noted the processes that could be considered including remanding the application back to the Planning and Zoning (P&Z) Board, grant a continuance, or to take action on the project as submitted.

Discussion ensued with Planning, Zoning, and Building Department Director Monica Simpson and Attorney Patterson on the following topics/issues:

- time frame required for review
- options to consider the issues that are not disputed
- recommendation to consider the application as a "whole" versus "piecemeal"
- issues to be considered that may need to be considered as a variance versus departures from the Code
- the time frame for consideration during an election period
- options for applicant to withdraw the petition.

Commr. Lenobel suggested a continuance of one month.

Town Attorney Persson suggested that, if the application is continued, the hearing process would be postponed and readvertised at a future date following the completion of the application review and reviewed historical processes on consideration of other petitions. Discussion ensued on the process for a pending petition relating to discussion of the application outside of the public hearing forum.

Commr. Brown noted support of continuing the petition and commented on the complexity of the petition and the review process.

Mayor Rothenberg commented on the options to reject the application at the current time or to postpone consideration to a later date.

Town Attorney Persson noted the question on the table to approve or deny the continuance and the procedures to follow in consideration of the petition.

1. Ordinance 2009-25, Key Club and Resort - Islandside, ODP Amendment - Continued

Commr. Jaleski moved to remand the petition back to the Planning and Zoning (P&Z) Board upon completion of the review of the new submission. Following comments, the motion died for lack of a second.

Commr. Brown moved to continue the public hearing with a continuation date to be determined pending the completion of the review between Staff and the applicant, but no earlier than March 16, 2010. The motion was seconded by Commr. Lenobel.

Attorney Michael Furen noted concern with the continuance of the hearing and the financial impact to all parties if a continuance is granted, commented on the consideration of the proposed amendments to existing contracts (Open Space and a Stipulated Final Judgment) at the Special Meeting at 9:00 a.m., and opined of the lack of a defined development plan to base Commission decisions on relating to the contract amendments.

Subsequent to comments on the date for continuance, Vice Mayor Siekmann moved to amend the motion to continue the public hearing to a date no sooner than March 23, 2010. The motion was seconded by Commr. Spoll. Following comments, the motion carried by a 7-0 roll call vote, as follows: Siekmann, aye; Spoll, aye; Jaleski, aye; Lenobel, aye; Brown, aye; O'Connor, aye; Rothenberg, aye.

The main motion, as amended, carried by a 4-3 roll call vote, as follows: Brown, aye; Lenobel, aye; O'Connor, no; Rothenberg, no; Siekmann, aye; Spoll, aye; Jaleski, no.

ADJOURNMENT

Following comments by Town Attorney Persson noting that the current hearing would be closed and readvertised for first reading and public hearing at a later date, Mayor Rothenberg adjourned the Special Meeting at 8:52 a.m.

s/s Trish Granger
Trish Granger, Town Clerk

/s/ George Spoll
George Spoll, Mayor

Minutes Approved: 05/03/2010