

**MINUTES  
LONGBOAT KEY TOWN COMMISSION  
SPECIAL MEETING  
JANUARY 20, 2010 - 9:00 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 Deputy Clerk Jo Ann Mixon

**CALL TO ORDER**

The Special Meeting of the Longboat Key Town Commission was called to order at 9:00 a.m., at 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 January 15, 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 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 9:00 a.m. and Town Deputy Clerk Jo Ann Mixon called the roll for attendance, with all Commissioners present.**

Town Attorney David Persson advised on the order of presentations as follows:

- Positive Change for Longboat Key, Inc.
- IPOC (Islandside Property Owners Coalition)
- Planning, Zoning, and Building Department Director Monica Simpson
- Public Comment (time certain 1:00 p.m.)

Town Deputy Clerk Jo Ann Mixon administered the oath to those who wished to provide testimony.

Attorney Casey Colburn, representing Positive Change for Longboat Key, Inc. (PC-LBK) and duly sworn, spoke regarding the proposed project and identified witnesses in attendance who wished to provide testimony.

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

Attorney Colburn introduced Mr. Tom Cinquegrano, a member of PC-LBK. Mr. Cinquegrano, duly sworn, spoke on the following topics/issues:

- economy boost (construction trades)
- property values
- updated/upgraded Inn on the Beach (\$7 million project).

Discussion ensued with regard to rental occupancy at Inn on the Beach and meeting space (facility) needs.

Attorney Michael Furen, representing Islandside Property Owners Coalition, LLC (IPOC) proceeded with cross-examination of Mr. Cinquegrano regarding the proposed hotel construction.

Town Attorney David Persson advised the allotted time has expired and Attorney Colburn requested an additional 30-minute presentation extension.

**There was consensus to grant a 30-minute presentation extension to Attorney Colburn.**

Attorney Colburn introduced Mr. Melvin Berkstein, PC-LBK member. Mr. Berkstein, duly sworn, commented on whether construction guarantees existed and needed property improvements.

Discussion ensued regarding property values and construction enhancements.

Attorney Colburn introduced Mr. Bob Gault, PC-LBK member. Mr. Gault, duly sworn, commented on the following topics/issues:

- economic impact
- tourism peak (2000)
- project approval (with or without the proposed hotel construction)
- signature golf course with condominium component.

Attorney Colburn introduced Mr. Claude Engle, PC-LBK member. Mr. Engle, duly sworn, commented on the design and architecture of the proposed project and opined that the proposed towers (condominiums) were consistent with design concept.

Discussion ensued regarding project lighting design, traffic related concerns, and creating a construction model.

Attorney Colburn introduced Mr. Richard Anton, PC-LBK member. Mr. Anton, duly sworn, commented on the following topics/issues:

- increased employment opportunities on Longboat Key
- anticipated additional tax revenues and increased property values.

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

Attorney Colburn introduced Ms. Virginia Haley, PC-LBK member. Ms. Haley, duly sworn, commented on the Sarasota Convention and Visitors Bureau.

Attorney Colburn concluded his comments regarding the proposed construction.

Planning, Zoning, and Building Department Director Monica Simpson presented an overview regarding the Longboat Key Club request and Town Code Section 158.071(A)(2). Ms. Simpson commented on the following topics/issues:

- 5% land area 15.73 acres of land
- 47.52 acres of non-residential use
- 31.79 acres departure
- 5% calculation (methodology)
- allowable mixed land uses / permitted uses.

Discussion ensued with Ms. Simpson and Town Attorney Persson on the following topics/issues:

- mixed use
- land intensity schedule for the GPD (Gulf Planned Development)
- development of a list of permitted uses in the GPD
- 5 percent regulations identified in the Town Code
- whether a spa facility could be considered an appropriate use
- zoning district criteria review
- "laundry list" of requested departures
- existing zoning districts identified in the Town Code
- 31.79 acres requested for departure
- historical background related to the 5 percent departure

**RECESS:** 10:30 a.m. – 10:45 a.m.

Attorney Furen introduced Mr. Bob White representing the Islandside Property Owners Coalition (IPOC). Mr. White, duly sworn, commented on the following topics/issues:

- existing PUD with assigned land uses
- difference between massive expansion and renovation
- property under consideration does not have beach access
- existing condominium unit surplus
- whether Longboat Key residents want to become a major tourist designation
- parking and roadway requirements
- final phasing (hotel/meeting center) important part of the development
- inconsistent with Town Code on proposed building heights
- requesting a departure or change in the definition of "height"
- traffic impacts on Gulf of Mexico Drive
- general concept of redevelopment

1. Quasi-Judicial – Ordinance 2009-25, Longboat Key Club and Resort - Continued

- lack of evidence the proposed construction would be in the public interest
- applicant's request for 15 departures
- current golf course maintenance
- meeting center usage (open to the general public).

Attorney John Patterson, representing the Longboat Key Club, noted objection to the testimony of Mr. White identifying it as "hearsay."

Subsequent to discussion on Attorney Patterson's objections, Mr. White continued his testimony, displayed exhibits, and discussed a golf course community comparison and a 2009 July/August Survey conducted.

Discussion ensued with Attorney Patterson, Attorney Furen, and Town Attorney Persson on the testimony presented and determination of what constitutes "substantial evidence."

Mr. White continued his testimony, displayed documents, and discussed the following topics/issues:

- reverse osmosis plant (2005 correspondence to Longboat Key Club members)
- 2006 correspondence (increase in dues for osmosis plant)
- 2008 correspondence (increase in dues no longer used for an osmosis plant)
- 2008 correspondence (proposed improvements to the Club)
- whether the property was considered a resort or a club
- 2006 November issue of "Club Reflections Magazine"
- definition of convention center (displayed exhibit).

Town Attorney Persson advised the allotted time had expired and Attorney Furen requested an additional 45-minute extension for the IPOC presentation.

**There was consensus to grant a 45-minute extension for the IPOC presentation.**

Mr. White continued his testimony, displayed documents, and discussed the following topics/issues:

- July 2008 correspondence (the Center not used to attract off-property conferences)
- traffic impacts to Longboat Club Road
- Blackpoint Partners' website contained inaccurate information
- view from the 4<sup>th</sup> floor south building of L' Ambiance (photo displayed).

Discussion ensued on the photo evidence (lens type used for submissions) and obtaining a scale model for the proposed project.

1. Quasi-Judicial – Ordinance 2009-25, Longboat Key Club and Resort - Continued

Mr. White concluded his testimony and identified the following:

- application for a non-guaranteed hotel with no identified financing
- neighborhood deemed to be built-out by the Comprehensive Plan
- requested departures (15)
- exceeding the residential cap by 200%
- not legally permissible under current codes.

Discussion ensued on an acceptable site plan without two condominium towers, the driving range preserved, and compromised positions with the applicant

Attorney John Patterson, representing the Longboat Key Club and duly sworn, proceeded with cross-examination of Mr. White, relating to the compromise position discussion with Michael Welley.

Mr. William Kary, 795 Marbury, requested input from Mr. White regarding the following topics/issues:

- Mr. White's club membership
- enhanced golf course and increased property values
- Mr. White's research on PUDs (Planned Unit Developments) prior to purchasing his property
- whether views were guaranteed in the property purchase agreement.

Attorney Furen concluded his comments, displayed documents, and reviewed the following topics/issues:

- whether the present regulatory requirements allowed this construction under the current Town Code
- assigned uses previously identified (recreational uses for the PUD)
- Comprehensive Plan restrictions on large scale development
- 2007 Longboat Key Comprehensive Plan Policy 1.7
- 5.05 dwelling units allowable on the created parcels
- 5 percent cap (non residential uses) land area of a PUD
- Town Code Sections 158.065 through 158.071
- data analysis for vacant land (support materials).

Attorney Furen advised additional time would be required to cross-examine Ms. Simpson on allowable uses.

Discussion ensued on the following topics/issues:

- terms "as filed" and "modified plan"
- IPOC publicly submitted compromise plan
- Town Commission's ability to place reasonable conditions upon any approval.

1. Quasi-Judicial – Ordinance 2009-25, Longboat Key Club and Resort - Continued  
Attorney Patterson opined that settlement offers were not admissible as evidence.

**RECESS:** 12:15 p.m. – 1:15 pm

Town Deputy Clerk Jo Ann Mixon administered the oath to individuals who wished to provide testimony.

The following individuals, duly sworn, commented on Ordinance 2009-25:

Mr. Terry Gans, 3030 Grand Bay Blvd  
Mr. Mark Fors, 570 Yardarm Lane  
Mr. William Kary, 795 Marbury Lane  
Mr. Ed Muse, 1211 Gulf of Mexico Drive  
Mr. Mike Seary, 535 Sanctuary Drive  
Mr. John Vorel, 545 Sanctuary Drive  
Mr. Julian Hansen, 100 Sands Point Road  
Mr. William Sandi, 535 Sanctuary Drive  
Mr. Herman Frankel, 535 Sanctuary Drive  
Mr. Robert Clark, 435 L' Ambiance Drive  
Mr. John Summers, 5961 Emerald Harbor Drive  
Ms. Maria Georgiev, 435 L' Ambiance Drive  
Mr. Tom Freiwald, 892 Spanish Drive North  
Ms. Barbara Chase, 535 Sanctuary Drive  
Ms. Christine Lynch, 548 Cutter Lane  
Mr. Ronald Johnson, 6485 Gulf of Mexico Drive  
Ms. Merrill Zinder, 435 L' Ambiance Drive

**RECESS:** 2:46 p.m. – 3:02 p.m.

**Subsequent to discussion on the time allotted for speakers and procedural matters pertaining to one speaker yielding their time to another, there was consensus to maintain the five-minute time allotment for speakers and to not permit transfer of a speaker's time to another.**

The following individuals, duly sworn, commented on Ordinance 2009-25:

Mr. Phillip Younger, 3111 Bayou Sound  
Ms. Debra McKenna, 723 Marbury Lane  
Mr. Steve Petty, 2800 Harbourside Drive  
Mr. Bob Blumberg, 435 L' Ambiance Drive  
Ms. Jeanne Corcoran, 2601 Cattlemen Road, Sarasota, Florida  
Mr. Steve Queior, 4676 Pine Harrier Drive, Sarasota, Florida  
Mr. Larry Merriman, 415 L' Ambiance Drive  
Mr. David Decker, 435 L' Ambiance Drive  
Mr. John Mitchell, 415 L' Ambiance Drive

1. Quasi-Judicial – Ordinance 2009-25, Longboat Key Club and Resort - Continued

Mr. Bradford Saivetz, 580 Golf Links Lane  
Ms. Temi Saivetz, 580 Golf Links Lane  
Ms. Sylvia Babineau, PO Box 8172, Longboat Key  
Mr. David Miller, 6850 Pine Street  
Mr. Jimmy Seaton, 5415 Gulf of Mexico Drive  
Mr. Patrick Mellett, 3440 Bayou Sound  
Mr. Paul Holland, 55 Lighthouse Point Road  
Mr. Peter Simonson, 20 Lighthouse Point Drive  
Mr. Tom Aposporos, 5570 Gulf of Mexico Drive  
Mr. Morton Tarter, 415 L' Ambiance Drive  
Ms. Christina McKee, 537 Hornblower Lane  
Ms. Reece Pierce, 801 Penfield Street  
Mr. Al Green, 300 Lions Hill Road, Pennsylvania  
Mr. John Forch, 448 Gulf of Mexico Drive  
Mr. Lew Gammon, 3810 Gulf of Mexico Drive  
Ms. Lynda Kunkin, 1000 Longboat Club Road  
Mr. William Dooley, 550 Norton Street  
Mr. Chuck Nechtem, 4561 Gulf of Mexico Drive  
Ms. Rosemarie McKee, 4101 Gulf of Mexico Drive  
Mr. David Levine, 2425 Gulf of Mexico Drive  
Mr. Robert Coyne, 3070 Grand Bay Boulevard  
Mr. Shawn Glen Pierson, 141 Garden Lane  
Ms. Geri Yonover, 675 Longboat Club Road

**RECESS/CONTINUATION**

Mayor Rothenberg noted the time of 5:23 p.m. and continued the public hearing to Friday, January 22, 2010, at 9:00 a.m., at the Temple facility, located at 567 Bay Isles Road, Longboat Key, Florida.

s/s/ Trish Granger  
Trish Granger, Town Clerk

/s/ George Spoll  
George Spoll, Mayor

Minutes Approved: 09/13/2010