

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL MEETING
567 BAY ISLES ROAD
JANUARY 13, 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 Clerk Trish Granger

CALL TO ORDER

Mayor Rothenberg called the meeting to order at 9:00 a.m.

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 11, 2010 on the Longboat Key Club Resort, Islandside, Outline Development Plan Amendment petition. The applicant, Key Club Associates, Limited Partnership and Islandside Development, LLC, property owners, are requesting Outline Development Plan amendment approval for the Longboat Key Club and Resort – Islandside, located at 301 Gulf of Mexico Drive (GMD), 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 at this public hearing.

Town Clerk Trish Granger called the roll and Mayor Rothenberg noted all Commissioners were in attendance.

Mayor Rothenberg advised that he had a dinner engagement with Mr. Al Green, noted the nature of the discussions, and requested determination from the applicant as to his continued participation. Attorney John Patterson noted no objection.

Town Attorney David Persson noted that Planning, Zoning, and Building Department Director Monica Simpson will be arriving late.

Attorney Patterson noted that Mr. Joel Freedman who testified on Monday, January 11, 2010, would not be available for cross examination until approximately 9:30 a.m. and requested determination on the schedule to be followed. Discussion ensued with Attorney Patterson, Town Attorney Persson, Attorney Nancy Stroud, and Attorney Michael Furen on the process to follow.

Attorney Patterson noted a statement made relative to the 5% non-residential component and noted agreement of the substantive issue of the application with the Town Code relative to the 5% non-residential component and opined that the Town Commission could grant a departure from the requirement.

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

Town Attorney Persson noted a conversation with Attorney Patterson relating to the 5% non-residential component and Attorney Patterson confirmed that the applicant is requesting a departure from the 5% requirement.

Attorney Furen noted no objection to the cross examination of Attorney Brenda Patten at this time.

Attorney Patten noted her testimony presented at the last meeting was as an attorney providing a legal opinion on the application and not as an expert testifying to facts.

Discussion ensued with Attorney Lincoln, Town Attorney Persson, Attorney Patterson, Attorney Patten, and Attorney Stroud on the basis for Attorney Patten's presentation at the last meeting and the intent of the presentation as an attorney offering a legal opinion on consistency of the application with the Town's Comprehensive (Comp) Plan and Town Code.

Discussion ensued with the Town Commissioners on the distinction between an expert witness versus a legal opinion. Attorney Patterson commented on the Town Commission's authority to reach a determination of the consistency with the Comp Plan and the Town Code and Attorney Michael Furen commented on the determination of fact based testimony versus legal opinion testimony. Discussion ensued.

Following comments, Town Attorney Persson reviewed the parameters and requirements of a quasi-judicial hearing.

Attorney Lincoln proceeded with cross examination of Mr. Joel Freedman. Discussions were held on the following topics/issues:

- page 4-2 of the December submittal from petitioner relating to the proposals for the north and south parcels (proposed uses for development)
- legal determination on the questions being presented for cross examination.

Discussion ensued on the determination of legal opinion versus expert witness testimony.

Attorney Lincoln continued the cross examination of Mr. Freedman. Discussions were held on the following topics/issues:

- height of buildings approved in L' Ambience
- density review of entire GPD
- opinion of Mr. Freedman that application would meet all requirements of the Town Code if departures are granted
- opinion of no adverse impact to neighboring areas if development is approved
- density proposed on south parcel (23 units per acre)/current highest density in GPD of 13.9 units per acre/Inn on the Beach density of 12 units per acre
- designation of north and south parcels on the development

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

- proposed density of residential portion (exceeding current density)
- previous projects Mr. Freedman participated with on Longboat Key and components of those developments as they relate to a request for increased density
- intent to submit a binding site plan/consistent with Town Code if approved with departures
- traffic impacts to Longboat Club Road
- previous code requirements and code restrictions when the original GPD was approved relating to allowed and non-permitted uses.

Upon inquiry, Attorney Lincoln opinioned on the legislative statutes governing Comp Plans relating to governing and enforcement.

Attorney Patterson followed up on the cross examination discussing the following topics/issues with Mr. Freedman:

- traffic issues discussed at the P&Z Board level
- impact of special events and approval of a special event at the Longboat Key Club
- career history of Mr. Freedman
- amendment process for PUD's permitted under the Town Code.

Attorney Lincoln commented on the governing document for the Longboat Key Club PUD and continued cross examination on the following topics/issues:

- time limits set forth for submission of site plans
- previous site plan approvals requesting increased density (none noted).

RECESS: 10:30 a.m. - 10:49 a.m.

Town Clerk Trish Granger administered the oath to Mr. Joe Grimail. Attorney Patterson provided background information on the Grimail Crawford, Inc., Traffic Engineering firm, and witnesses to testify this date.

Mr. Richard Stiles, duly sworn, commented on the traffic analysis performed and the policies and standards of the Comp Plan applied to the analysis, and discussions were held with Mr. Stiles and Mr. Joe Grimail, duly sworn, on the following topics/issues:

- methodology utilized for Level of Service (LOS) determination and standards
- peak hour (hundredth highest hour) and peak season usage
- impact of scheduled bridge openings (scheduled for 20 minutes and average bridge openings) and future anticipated increased usage if dredging projects are performed
- request for traffic count information during 4 to 6 p.m. in peak season
- increased impacts of St. Armands' traffic during peak season and special events

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

- inclusion of anticipated traffic impacts for the approved 250 tourist units and development traffic
- basis of proposed trip generation for a hotel rate (40% higher generation rate) versus a resort hotel/assumptions utilized to produce highest traffic impact
- defining background traffic (from other sources/not associated with the project)
- anticipated normal operating traffic for the project
- “at capacity” traffic impact (total number of cars on Gulf of Mexico Drive as a result of the development) during a special event with full hotel capacity, during pm/peak hour estimated at 560
- effect (terms of time delays) of special event traffic on residents to move on and off Longboat Key
- study performed by Mr. Bill Oliver (increase/decrease in traffic from 1992 to 2008)
- anticipated traffic generation in comparison to 1992 traffic levels
- future anticipated growth and related traffic impacts
- total number of trips anticipated versus total number of vehicles on Longboat Key during peak hours (inclusive of number of vehicles parked on the property).

Upon inquiry, Mr. David Leach, duly sworn, noted 961 parking spaces will be provided for the development.

Following comments by Mayor Rothenberg, Mr. Stiles responded to inquiries regarding the following topics/issues:

- traffic concerns raised by residents who currently experience delays during peak season
- alternatives to consider to lesson traffic impacts (current and future)
- agreement with staff’s recommendations included in the proposed Ordinance relating to future traffic analysis for improvements to the intersection at Gulf of Mexico Drive and Longboat Club Road
- consideration of time frame to enable improvements to State roads (GMD)
- anticipated back-up utilizing recommended vehicle distances and volume

Attorney Patterson requested, and Mr. Michael Welly, duly sworn, commented on the experience of the Longboat Key Club in sponsoring special events and the methods utilized to minimize traffic impacts to Town residents. Discussions were held with Mr. Welly on the following topics/issues:

- lack of complaints received relating to special events held
- attendance experience managing previous special events

Upon inquiry, discussions were held on the following topics/issues:

- traffic impacts and lack of jurisdictional authority for traffic coming onto Longboat Key from the neighboring communities

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

- suggestion to coordinate with Metropolitan Planning Organization (MPO) for improvements to jurisdictional/regional roadways

Town Attorney Persson commented on the proposed afternoon schedule.

RECESS: 11:48 p.m. - 1:00 p.m.

Mayor Rothenberg called the meeting back to order.

Town Attorney Persson commented on the order of the afternoon session and recommended that the Commission open the hearing for public testimony.

Attorney Stroud requested clarification and Mr. Stiles commented on the following topics/issues:

- hundred hour methodology utilized and the stated compliance with the Comp Plan (page 8 relating to LOS on GMD, referencing Table 2 and 3 and page 9)
- Florida Department of Transportation (FDOT) utilization of hundred hour methodology
- special event traffic impact/analysis utilized for the anticipated approach delay
- average delay due to special events (peak hour versus normal traffic flow)
- normal delay with project build-out, exclusive of a special event (peak hour)
- determination of intersection delays.

Attorney Lincoln proceeded with cross examination, with discussions held with Mr. Stiles and Mr. Grimail on the following topics/issues:

- qualification to sign/seal plans
- documentation of FDOT adopted standards to utilize hundred hour methodology
- lack of official ruling to confirm FDOT standards
- recommendation for guard house to be moved to the west (not included in proposal)
- stacking analysis impacting the location of the existing guardhouse
- conditions impacting the access to the Chart house for outbound traffic
- analysis included modifications to traffic signal timing with options to maximize traffic flow improvements
- assumptions utilized to determine northbound versus southbound traffic flow
- alternative methods utilized to reflect improved traffic flows
- lack of analysis for less than hundred hour standard
- traffic studies conducted for 580 trips in one-hour period
- LOS standards utilized for GMD and Longboat Club Road
- classification of Longboat Club Road (private roadway)
- result on assumptions if Longboat Club Road study were to impact traffic flow (performance of driveways and streets from Longboat Club Road)
- impact of inbound traffic with current location of guard house.

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

Attorney Dick Ulrich with the Longboat Key Club Association presented cross examination with discussions held

- existing land uses and trip generation land uses versus proposed land uses (Table 1 of Grimail report)
- proposed increases between current and development trip generation
- required conditions of approval for improvements to a State highway
- estimated controlled delays reflected in the Grimail report
- determination of a controlled delay (traffic control exists)
- LOS determination and estimated failure or reduction in LOS during a special event
- process utilized for data analysis
- reflection of LOS "F" during a special event
- lack of negotiation with Grimail on improvements to Longboat Club Road.

Attorney Patterson clarified the record, as follows:

- Mr. Grimail is a licensed Engineer and signatory on report
- confirmation of current traffic signal timing at Longboat Club Road
- opinion of Mr. Stiles of no material change to traffic signal timing
- traffic flow from north to south or south to north, at build-out, would proceed during one traffic signal cycle.

Discussions were held with Mr. Stiles, Mr. Grimail, and Mr. Welly on the following topics/issues:

- basis of analysis at a.m. and p.m. peak hours
- trip generations performed for peak hours
- event ending during rush hour and current conditions of traffic back-up
- anticipation of staggered arrivals and departures for special events
- information utilized for trip generation for inbound/outbound traffic for various types of events
- utilization of a hotel versus resort hotel in trip generation analysis
- Grimali report reflecting 170% increase in daily traffic
- occupancy at Inn On The Beach and traffic impacts associated with occupancy levels
- distinction between conference center and meeting center
- anticipated arrivals and departures for events/utilization of on-site facilities and amenities in lieu of traveling to outside businesses
- managing meeting demands as it relates to meals and amenities on-site
- anticipated meeting size (estimated between 30 to 50)
- anticipated booking schedules for special events (generally during or near season)
- scheduling between special events for charitable organizations versus group events with associated hotel stay

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

Attorney Lincoln proceeded with cross examination with discussions held with Mr. Welly on the following topics/issues:

- anticipated group sizes and event sizes
- availability of amenities to outside parties and organizations
- special events versus organized meetings
- intent to make meeting center available to public groups
- size of proposed ballroom (10,000 sq. ft.) with intent to divide for smaller groups (6 divisions)
- proposed management and operation of the meeting center.

Upon inquiry, Mr. Welly noted willingness to contribute meeting facility for a public venue meeting (public hearings).

Mr. Lincoln inquired and Mr. Stiles commented on the trip generation data as to meeting rooms and hotels and the component of the hotel. Mr. Stiles and Mr. Grimail commented on the utilization of trip generations as it pertains to a hotel and a meeting room versus a stand alone meeting facility. Mr. Lincoln inquired, and Mr. Grimail commented on trip generation studies for stand alone facilities.

Town Clerk Trish Granger administered the oath to Dr. Amber Whittle.

Attorney Patterson introduced Dr. Amber Whittle, duly sworn, and provided information on Dr. Whittle's professional background.

Dr. Whittle, with Entrix, Inc., commented on the previous versus current environmental regulations during the construction of the Longboat Key Club and the reviewed environmental, habitat, and water quality improvements if the development is approved for construction.

Dr. Whittle responded to the current and future use of fertilizer and Attorney Patterson responded to inquiry on the construction and design of the golf course by Reese Jones. Mr. Welly commented on the intent to work with Mr. Jones on the design of the course.

Dr. Whittle commented and noted the definition of a lagoon. Discussions were held on navigational issues and identification of water bodies.

Attorney Furen directed cross examination and Dr. Whittle discussed the following topics/issues:

- opinion of improved water quality due to surface water management
- anticipated acreage of lakes/ponds and redesign of golf course
- coastal

Attorney Furen requested, and Mr. David Leach, duly sworn, Director of Project Manager for the Key Club, responded to inquiry on the following topics/issues:

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- anticipated new acreage for existing course (estimated 9 acres)
- analysis of George F. Young Architect of 7 ½ acres
- final design of golf course not undertaken
- irrigation system replacement
- redevelopment of the golf course requiring relocation of drainage lines that serve properties off-site
- estimated 29 acres of stormwater system

Attorney Patterson inquired and Mr. Leach commented on the timing of the redesign of the irrigation system, stormwater drainage, and the GPD development stormwater runoff to existing golf course.

Attorney Furen inquired and Mr. Leach confirmed that the preliminary design plans were not a part of the application submitted to the Town.

Commr. Lenobel inquired and Mr. Leach indicated that the existing golf course is approximately 17 acres and advised that the preliminary design by Mr. Jones of the golf course is included in the applicants' packet.

Attorney Patterson advised that there are comparison slides available for Commission review.

Town Attorney Persson noted that after the recess the Commission would hear the Road Association's presentation, followed by public comment.

RECESS: 2:47 p.m. - 3:02 p.m.

Town Attorney Persson requested consideration to add January 20, 2010, as a meeting date from 9:00 a.m. to 4:00 p.m.

Attorney Patterson noted submission of responses to guest ions of the Loeb Group and has been distributed and submitted for the record, golf course design, and golf times.

Attorney Furen noted objection to the submission of the amendment to the agreement related to the golf course, advised that it has not been previously submitted with no application made prior to this date.

Attorney Stroud noted the necessity to amend the agreement and Town Attorney Persson advised that it is a condition of approval for the project.

Attorney Patterson noted that the version of the Ordinance included in the staff report and advised that the most recent version with changes have not been incorporated at this point.

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

Town Attorney Persson inquired as to the Commission preference for the P&Z Board drafted Ordinance or the last version submitted by the applicant to the Staff. Discussion ensued.

Attorney Lincoln noted that the Ordinance forwarded from the P&Z Board was the basis for the hearing and opined that any amendments would need to be further considered by the P&Z Board.

Attorney Ulrich commented on the document he has utilized from the Town's website and that new proposals have not been reviewed by the P&Z Board. Discussion ensued.

Attorney Furen requested that the all parties be provided with a copy of the latest version of the Longboat Key Club proposal.

Mayor Rothenberg advised that the Longboat Key Road Association (Road Association) will begin their presentation and Attorney Ulrich, duly sworn, provided background information on discussions between the Road Association and the Longboat Key Club and introduced Mr. Richard Doyle, duly sworn, owner and President of the RTD Group.

Mr. Doyle provided an outline of his professional qualifications and presented an overview of the position of the Road Association on the Islandside development proposal. Mr. Doyle opined on the traffic reports provided and LOS standards "E" and "F," and offered anticipated traffic circulation delays associated with the development. Mr. Doyle commented on the recommendations of the P&Z Board and reviewed the recommendations requested:

- dual left turn lanes on GMD turning into the project from the south
- required right-of-way to enable dual turn lanes
- modification of traffic signals eastbound
- modification of Longboat Club Road - eastbound to left turn lane.

Mr. Doyle submitted a copy of the draft minutes of the P&Z Board meeting of November 11, 2009, reflecting the comments of Mr. Fabricio Ponce, traffic consultant. Mr. Doyle reviewed Condition 18 of the draft Ordinance and recommended that the language stricken (last three to four sentences) remain as part of the Condition, discussed and noted the following recommendations:

- relocation of the gatehouse
- meeting facility traffic circulation on-site, not impacting Longboat Club Road
- maximum of two driveways to the redevelopment on each side of Longboat Club Road
- Longboat Club Road to be developed/redeveloped as a "first class" road to Sands Point Road, consistent with the redevelopment, if approved.

Mr. Doyle commented on the lack of fiscal commitment for improvements and opined of the ability for the Commission to require improvements to a State highway for development approval. Discussions were held with Mr. Doyle on the following topics/issues:

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

- proposed GMD improvements from St. Armands with dual left turn lanes and one through lane
- proposed GMD improvements from the north
- proposed improvements to Longboat Club Road
- eastbound to northbound from Longboat Club Road with dual left turn lanes.

Attorney Ulrich noted the recommendations were from a traffic expert's professional opinion. Mr. Doyle commented on the proposal for the eastbound dual lanes onto northbound GMD, with a requirement for a length of dual lanes that tapers to one lane. Discussions were held with Mr. Doyle and Attorney Ulrich on the following topics/issues:

- recommendation for restriction of two driveways on each side of Longboat Club Road
- cross-road traffic (between vehicles and golf carts)
- lack of review by the Road Associations' Board of Directors.

Mr. Robert Goodman, President of the Longboat Key Association, duly sworn, noted that the Association had not reviewed the final proposals from Mr. Doyle but noted the position of the Association to require improvements to Longboat Club Road and GMD by the developer and limiting access roads to Longboat Club Road. Mr. Goodman noted the Board of Directors will be meeting next week to consider the recommendations from Mr. Doyle.

Mayor Rothenberg noted that final determination wouldn't be taken until consideration of the Mr. Doyle's recommendations by the Road Associations' Board of Directors.

Attorney Ulrich noted review of the project as a complete project and noted the Association's attempts to meet and discuss the issues with the Longboat Key Club representatives, noted that action has to be taken through the Board of Directors, and advised that Mr. Doyle's presentation raises issues related to transportation issues not addressed.

Town Attorney Persson advised that the Commission had the authority to require any recommendations accepted from Mr. Doyle as a Development Condition on the application.

Mr. Goodman commented on the importance of the safety and welfare of current and future residents in consideration of the petition.

Attorney Patterson inquired, and Mr. Doyle indicated that additional information was presented to the Town Commission, not presented at the P&Z Board hearings, referenced an e-mail requesting distribution of any new information, and advised no information was provided.

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

Attorney Patterson inquired, and Mr. Goodman commented on previous discussions and meetings with Key Club representatives and commented on consideration of Mr. Doyle's proposal by the Board of Directors. Discussions were held with Mr. Doyle on the following topics/issues:

- testimony of Mr. Bill Oliver relating to the adopted level of service
- use of "unacceptable" impacts of special events (residents unable to enter/depart residential property)
- recommendations of the P&Z Board
- recommendations for improvements to Longboat Club Road from two lanes to four lanes
- acceptable management of special events.

Attorney Stroud inquired and Mr. Doyle advised that a cost estimate had no been calculated for the proposed improvements.

Attorney Lincoln inquired and Mr. Doyle commented on the recommendation for lane expansions, advised that he had not prepared a design for the roadway, and opined of unsafe conditions without the proposed improvements.

Attorney Patterson inquired and Mr. Doyle advised that he had utilized base data on record for the basis of his recommendations.

Town Attorney Persson noted that public testimony would be provided five minutes per person as previously agreed to by the Town Commission.

Town Clerk Granger administered the oath to individuals wishing to present testimony.

The following individuals, duly sworn, commented on the Islandside development proposal:

- Mr. Frederick Piccolo, Sarasota-Bradenton Airport Authority
- Mr. Arthur Coren, 545 Sanctuary Drive
- Mr. John Westerberg, 535 Sanctuary Drive
- Mr. Jim Greer, 2016 Harbourside Drive
- Ms. Diana Corrigan, Executive Director of the St. Armands Circle Association
- Ms. Carole Nikla, 1229 South Tuttle Avenue, Sarasota
- Mr. Woody Wolverton, 3551 Bayou Circle
- Ms. Graci McGillicuddy, 5111 Ocean Boulevard, Sarasota
- Mr. Alexander Wilhelm, 601 Longboat Club Road
- Ms. Jacquelyn Smith, 7182 Lakeside Drive, Sarasota

As no other speakers wished to be heard, Vice Mayor Siekmann advised that additional public comment period will be provided during the public hearing process.

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

Town Attorney Persson noted the public hearing will be recessed to be reconvened on Friday, January 15, 2010, at 9:00 a.m. and reviewed the proposed Friday schedule.

RECESS/CONTINUATION:

Mayor Rothenberg continued the public hearing to Friday, January 15, 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: 05/03/2010