

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL MEETING
JANUARY 11, 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, Town Clerk Trish Granger

CALL TO ORDER

The Special Meeting of the Longboat Key Town Commission was called to order at 9:00 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 January 8, 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 9:00 a.m. and Deputy Town Clerk Jo Ann Mixon called the roll for attendance, with all Commissioners present.

Attorney John Patterson, representing the applicant, Longboat Key Club and Resort, introduced Mr. Michael Brody, President, Loeb Partners Realty, LLC, and Mr. Michael Welly, Longboat Key Club and Resort General Manager.

Mr. Welly gave a PowerPoint presentation and discussions were held with Mr. Welly and Mr. Brody on the following topics/issues:

- Longboat Key Club in 1992 first phase developed
- peak season employment of over 500 individuals
- historical development of the Longboat Key Club and Resort
- 291 slip marina
- available amenities and proposed updates
- proposed hotel 196 rooms with meeting space and banquet facility
- completion timeline (estimated to be 18 months after final approval)

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

- project phasing
- Villa construction
- refurbished golf course
- private residency club (PRC)
- eliminating the driving range at Islandside Golf Course
- PRC available at the Hotel only (rental restrictions/tourism use)
- 34 tourism units available at the hotel
- Phase 1 - Golf course, clubhouse, 10 town homes, wellness center
- Phase 2 - Two condominium buildings
- Phase 3 - Hotel and meeting facility
- golf course access /use of golf course by hotel guests/ current golf course usage
- existing tee time agreement
- Townhomes (residential use only not tourism units)
- projected date for Phase 3 completion
- project financing
- development experience of Loeb Partners Realty LLC / available investors.

Attorney Michael Furen, representing Islandside Property Owners Coalition, LLC (IPOC), cross examined Mr. Welly, and Mr. Brody on the following topics/issues:

- current membership /percentage living on Longboat Key/percentage living in GPD
- membership types (single/family/social) and related costs
- Reese Jones employment contract
- stormwater system changes and reconfiguration of the golf course
- irrigation system replacement
- financing and cash flow regarding development capital/ detailed analysis report
- private internal documentation justifying development (Loeb Realty LLC)
- requested departures from existing Town Code
- existing condition of the Longboat Key Club and Resort (first class condition)
- Longboat Key Club and Resort ownership
- existing deed and whether the deed restrictions had expired.

Attorney Patterson objected to the questions posed to Mr. Brody by Attorney Furen Identifying them as legal not factual questions. Discussion ensued.

Attorney Dick Ulrich, Longboat Key Association Inc. (a/k/a/ Road Association) representative, cross examined Mr. Welly, and Mr. Brody on the following topics/issues:

- ownership of Longboat Club Road (privately owned by the Road Association)
- ownership of the guardhouse/gatehouse (Road Association)
- whether the proposed plan included changes to drainage, stormwater, structural integrity of Longboat Club Road, or the guardhouse/gatehouse
- proposal provided to the Road Association to relocate guardhouse/gatehouse.

RECESS: 10:40 a.m. – 10:55 a.m.

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Attorney Patterson introduced Mr. Rob Hutchinson, Vice President of EDSA, and Mr. Phil Graham, Jr., Registered Landscape Architect.

EDSA Vice President Rob Hutchinson gave a PowerPoint presentation and discussed the following topics/issues:

- overview of his firm
- site plan process (site analysis to conceptual master plan)
- landscape architectural project scope
- site review and proposed landscape changes.

Registered Landscape Architect Phil Graham gave a PowerPoint presentation and discussed the following topics/issues:

- background review and completed local projects
- co-author of *The Florida Landscape Guide for Florida's Roadways*
- Florida Department of Transportation (FDOT) roadway regulations
- existing relationship with FDOT
- conceptual plan enhancements (gateway elements north and south entrances)
- Quick Point Preserve enhancements / Gulf of Mexico Drive enhancements
- \$500,000 allocated for landscaping enhancements - \$450,000 hard cost
- FDOT Request for Proposals (timeframe).

Discussion ensued on the native plant component in the new landscape design (60%) and the informal launch definition (canoe/kayak launching area).

Mr. Hutchinson continued with a PowerPoint presentation and discussed the following topics/issues:

- north and south parcel enhancements
- Harbourside Tennis Gardens
- existing double row of oak trees
- connecting all of the amenities with enhanced pedestrian paths
- parking under structures
- utilizing rainwater for irrigation
- exploratory spaces/enhancements
- back operation connections (delivery trucks/employees)
- art exhibits, water source inside/outside fountains
- wellness center /proposed roof top pool/outside fitness center
- meeting center and gulf clubhouse
- three-story parking facility (ground level plus two stories) self parking and valet
- identified courtyard, clubhouse,, outside dining, golf cart storage areas
- conceptual plan for the two proposed condominiums buildings
- golf course enhancements
- traffic control during construction.

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

Discussion ensued on the following topics/issues:

- golf course (scrapped/redesigned/topography/oak tree plantings/grass)
- golf course square footage and length
- Longboat Club Road relocation (examined not feasible)
- convention activity/meeting facility impact
- relocation of the gatehouse structure
- special events (500 plus attendees outside of the GPD/event management plan).

RECESS: 12:20 p.m. - 2:00 p.m.

Mayor Rothenberg called the meeting back to order at 2:00 p.m.

Attorney Furen continued his cross-examination. Discussions were held on the following topics/issues with Mr. Hutchinson and Attorney Patterson:

- appropriate layout of the site
- open space calculation preparation
- footprint of the parking garage (approximately 33,000 sq. ft.) and height (grade of 24 to 25 feet)
- footprint of proposed hotel and height
- distance of garage from right-of-way line to Gulf of Mexico line (estimated to be 51' 4" from property line)
- testimony reflected on a conceptual site plan
- review of proposed plan reflected for compliance with site plan criteria of the Town Code
- confirmation that Sheet M in Master Plan Six, outlines residential condominium sites
- anticipated density of the residential component of the site (effective net density on parcels)
- Condition 25 of the proposed Ordinance 2009-25, relating to the quality of the architecture
- conceptual versus binding concept plan
- traffic flow.

Attorney Patterson called Mr. Bruce Brosch, President of Nichols-Brosch. Mr. Brosch, duly sworn, presented background information on his firm and the firm's experience and presented an overview of the proposed development, styles to be utilized. Discussions were held with Mr. Brosch and Attorney Patterson on the following topics/issues:

- kitchen size and anticipated lessening of traffic to Inn on the Beach
- ballroom size - utilization using the ballroom for conference (1/2) and meals (1/2)
- proposed height of the size of the condominiums / footprint / discussions held at the P&Z level relating to taller buildings to decrease footprint (base of building)
- height of parking garage for the condominium buildings
- conceptual height with proposal suggested by the P&Z Board

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- number of parking spaces provided for each condominium unit (two per unit).

Attorney Furen proceeded with cross examination of Mr. Brosch and Attorney Patterson, with the following topics/issues discussed:

- height from grade to the highest point of any portion of the hotel (89' 4")
- height of Villas on the pass (46' 10")
- height of spa (60 feet) and meeting center (58' 8") and the condominiums (107' 7")
- approximate height of garage (approximately 24 to 25 feet)
- approximate footprint of 33,000 square feet
- conceptual plan renderings and intent to build as reflected during presentation
- height of old Ringling Hotel that was previously on site
- anticipated location of service area for meeting center
- proposed route for guests to attend functions at meeting center/anticipated traffic issues.

Upon inquiry, Mr. Brosch commented on the anticipated height of the buildings above grade.

Attorney Patterson introduced Dr. Hank Fishkind of Fishkind and Associates. Dr. Fishkind, duly sworn, commented on the proposed project, the analyses that was undertaken on the proposed development, and the findings that reflect a continued need for reinvestment in developments to provide viable healthy projects. Mr. Fishkind reviewed the Fiscal Impact Analysis prepared for the proposed development and commented on the Tourism Circle Life Cycle and the publications entered into the record at the P&Z level.

Discussions were held with Mr. Fishkind and Attorney Patterson on the following:

- opinion of the Key Club being "past their peak"
- factual data to support the opinion (inability to host large conferences)
- opinion of financial gain for the Town
- proposed number of on-site employment positions and current number of employees (in-season),
- impact of business/economic conditions throughout the area and the country
- distinctions between quality of resort and impact on real estate values in the community
- economic impact realized in the Boca Raton renovations (1 mile radius) and extent of renovations undertaken to realize economic improvements
- anticipated economic impact to Longboat Key
- time frame reviewed representing the decline of the Key Club/property values increased from 2003 to 2007
- impact to economic growth the remodeling of Biltmore property
- one-mile radius reflected on Boca Raton and the anticipated impact for the Longboat Key proposal

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- effect of general economy on the proposed project and long term investment alternatives
- differences to be considered between Longboat Key and Boca Raton communities
- anticipated shift in development focus of large hotel versus small "mom and pop" businesses currently existing/anticipated clientele
- impact of increased property values as it relates to higher property taxes for current owners
- impact to current residences on enjoyment of current facilities
- impact of redevelopment resort on other businesses in the community.

Attorney Furen proceeded with cross examination. Discussions were held on the following topics/issues:

- opinion that the resort needs to be up-graded to sustain viability
- economic interest only in sustainability of existing development
- fiscal impact model (PM Model)
- review of the proposal and the impact analysis provided based on proposal
- development and financing of hotels with condominium units for sustainability
- time period utilized for economic impact analysis for completion of project (phases from 5 to 20 years)
- forecast projection accuracy for Dr. Fishkind's analysis over past five years
- cost analysis projections.

Attorney Barnebey inquired, and Dr. Fishkind commented on the development program and the anticipated improved impact on surrounding properties and the anticipated impact of the property if no improvements are completed.

RECESS: 3:40 p.m. - 3:52 p.m.

Attorney Patterson commented on the name of the "Longboat Key Club" to the Longboat Key Club Resort and introduced Mr. Joel Freedman of Joel Freedman of LLC and Attorney Brenda Patten of Berlin Patten Attorneys at Law.

Mr. Freedman, duly sworn, commented on the length of time in Sarasota County, noted the order of presentation with Attorney Patten.

Attorney Patten, duly sworn, advised of her testimony as a Land Use Attorney, commented on the Town's Comprehensive (Comp) Plan, and opined of the legal standing and legal sufficiency of the Town's Comp Plan. Attorney Patterson reviewed the five Comp Plan issues to be addressed. Attorney Patten addressed a legal memorandum from Attorney Robert Lincoln and commented on the basis for calculation of non-residential standards for the development and the requested departure of approximately 4.6 acres, and advised that a departure from the 5% non-residential standards would be presented to the Commission at a later time.

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Upon inquiry, Attorney Patten noted the basis for consideration of a departure.

Commr. Lenobel commented on the action of the Town Commission relating to consideration of the Comp Plan issues and the reference to litigation pertaining to the Comp. Plan. Attorney Patterson commented on the Comp Plan discussion, the anticipated departure of the 5% non-residential standards, and lack of consideration of the non-residential standard. Attorney Patterson opined that the applicant has raised the issue of the departure as it was not discussed at the P&Z level.

Attorney Patten continued her presentation with additional review of the proposed departure, the intent of the request, and the Commission's authority to grant a departure.

Mr. Freedman discussed the previous Longboat Key Club ODP approval, the proposed improvements to the development, implementation of the Comp Plan to a GPD/PUD development, applicability of the Comp Plan, and authority of the Town Commission in determination of building heights in a GPD and granting departures.

Mr. Freedman opined consistency

Discussions were held with Attorney Patten and Mr. Freedman on the following topics/issues:

- consideration of the proposal and applicability of the Comp Plan
- reference to the project as a "resort" development / designation as a mixed-use development
- determination that Comp Plan provides for public/private property for open space/recreation
- reservation of rights on the departure of 5% non-residential
- historical determination of setback
- Town's authority to modify Comp Plan
- Code requirements relating to the time frame to hear petitions
- determination of level of service and consideration of public/private open space/ recreation facilities.

Attorney Patterson noted the witness schedule for Wednesday, and Attorney Furen noted agreement to postpone cross examination until Wednesday, January 13, 2010.

RECESS/CONTINUATION:

Mayor Rothenberg continued the public hearing to Wednesday, January 13, 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