

TOWN OF LONGBOAT KEY
PLANNING AND ZONING BOARD
MINUTES OF REGULAR MEETING

OCTOBER 19, 2010

The regular meeting of the Planning and Zoning Board was called to order at 9:00 AM.

Members Present: Chair BJ Webb, Vice-Chair Allen Hixon, Secretary John Wild, Members Phineas Alpers, Laurin Goldner, Walter Hackett, Bradford Saivetz, George Symanski, Patricia Zunz

Also Present: David Persson, Town Attorney; Monica Simpson, Planning, Zoning & Building Director; Steve Schield, Planner; Ric Hartman, Planner; Donna Chipman, Office Manager

AGENDA ITEM #1
ORDINANCE 2010-35, CAPITAL IMPROVEMENTS ELEMENT, COMPREHENSIVE PLAN
AMENDMENT

Ric Hartman, Planner, provided an overview of Ordinance 2010-35 noting that the Town was required to annually update the Capital Improvements Element (CIE) and supporting Data & Analysis (D&A) of the Town's Comprehensive Plan. He commented that it was necessary in order to maintain a financially feasible five-year schedule of capital improvements. He noted that upon approval, the CIE would be transmitted to the Department of Community Affairs (DCA) for their review and approval.

Mr. Saivetz asked at what point the Town would make accommodations for the Longboat Key Club-Islandside development. He referred to page 22, second paragraph, of the ordinance, which noted that, "*There are fewer than 200 units that can be built on vacant land (outside of the Bay Isles PUD);...*". Mr. Hartman responded this was an update on what were approved areas on the island at this time. Staff would be acknowledging the Islandside development once all appeals have been finalized; at this time, staff did not have anything that stated specifically what they were going to do and how it would impact the town's financial feasibility in the next five years. Monica Simpson, Planning, Zoning & Building Director, pointed out that the language in the D&A for the CIE was not consistent, even with the approvals that the Town made, as it talked about "built on vacant land;" none of the land that the Longboat Key Club proposed for redevelopment was vacant and it was also outside the Bay Isles PUD. She commented they were dealing with two separate issues, but noted it was not inconsistent with what they were dealing with today.

Mr. Wild recalled in the last couple of years there were approximately 60 vacant lots on the island, but the report stated there were fewer than 200 lots, and he requested clarification. Mr. Hartman explained the number was a result of the continuing updates from the Building Division.

He pointed out there had been more than 60 vacant lots on the island, but less than 200 over the past two years. He recalled the building permit analysis for last year was approximately 170. Mr. Saivetz asked why the language referenced, "outside of the Bay Isles PUD." Ms. Simpson responded staff could research that; it might be held over from previous comprehensive plans. She noted this amendment talked about vacant land, and there was very little vacant land on the island; if there was a use on the property, then it was not considered vacant, but developed land.

MR. WILD MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCE 2010-35 AS WRITTEN. MS. ZUNZ SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SAIVETZ, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE; ZUNZ, AYE.

AGENDA ITEM #2
COMPREHENSIVE PLAN AMENDMENT: PROCESS FOR REVIEW

Ms. Simpson explained that this item dealt with the amendments to the comprehensive plan, and the Town Commission had authorized the board to move forward with the review of the entire comprehensive plan document. She noted that the Town Commission had set aside funds to hire a consultant, Attorney Nancy Stroud, to assist with the update. She mentioned that on November 11, 2010, the Town Commission would be holding a special town hall meeting on the Vision Plan, and it was a good opportunity to hear discussion from the Town Commission on what they viewed to be the future vision for the town, which the board might or might not use during their discussions of the comprehensive plan. She pointed out the "thought process" was for staff to talk about where the town wished to go, who they wished to be, and review the documents in the 2007 Comprehensive Plan to see if it would obtain those goals. If it did not, then how it could be tweaked so the town could have assurances, when staff was working with developers, to know very clearly the direction. She commented it was staff's wish to hold a workshop to discuss that issue and gather public input. The P&Z Board had a regular meeting scheduled for November 16, 2010, and it was anticipated the items would be short, and she believed a workshop could be scheduled following the regular meeting.

David Persson, Town Attorney, commented there was a year and half of public hearings on the comprehensive plan, and he believed this was an opportunity to discuss the future. He did not understand how this would interrelate to the vision plan. The Town Commission was in the process of finalizing the vision plan, and there would be public hearings, discussion, and then acceptance of a vision plan. He commented that discussion would be brought to the P&Z Board as part of their consideration when reviewing the Future Land Use element (FLUE).

Chair Webb asked staff to explain the update process. Ms. Simpson explained that it would not be a short process, and once there was a consensus of where the town was going and what they wished it to look like, the board would begin with reviewing the FLUE. She continued that after that, the goals, objectives, and policies (GOPs) that currently existed would be reviewed to see how they fit and if there was a need to rewrite. She did not believe the board would need to review the other elements in depth, as it would be the FLUE that would be focused on.

She mentioned that once the board made a recommendation to the Town Commission, in resolution/ordinance form, they would process that information and make a decision, and it would then be forwarded to the Department of Community Affairs (DCA) for their consideration and review. The DCA would then provide the town with their comments for review and consideration.

Mr. Wild asked if it might result in a zoning change in some areas. Ms. Simpson replied it could, but it depended upon the direction. Mr. Wild commented he was unsure if the comprehensive plan generated changes in zoning, or zoning generated changes in the comprehensive plan. Ms. Simpson responded that it depended on whether they were proactive or reactive. Mr. Saivetz discussed density and noted in the Charter it stated if there was a change in density, it was subject to a referendum. He also discussed Amendment 4 on the state ballot. He voiced concern that the comprehensive plan reflects the fact there was a density change, and he was concerned how staff viewed that.

Attorney Persson responded he did not envision Amendment 4 having much effect on Longboat Key. He explained that the town had successfully had questions about density on the island resolved by referenda. He believed the issue of density would come up during discussion of the comprehensive plan. He commented that the Charter referenced back to the 1984 Comprehensive Plan, and it viewed the planned unit developments (PUDs) as a whole; there was a finite amount of density located in each PUD, and when that was exceeded, it would trigger a referendum question.

Ms. Simpson commented her purpose for placing this item on the agenda was to discuss a general process, and if the board agreed, she would schedule time on the November 16, 2010, agenda for discussion. She pointed out that if there was a need for additional time, discussion could be continued to another date. She would request Nancy Stroud attend and the workshop would be advertised.

AGENDA ITEM #3
CREATION OF P&Z BOARD FDOT SIGNAGE COMMITTEE

Chair Webb explained that during the September 23, 2010, Town Commission workshop, the Town Commission authorized the P&Z Board to create a committee to work with the Florida Department of Transportation (FDOT) and Town staff on FDOT signage.

CHAIR WEBB MOVED TO APPOINT MR. HACKETT AND MS. GOLDNER TO SERVE ON THE COMMITTEE. MR. SYMANSKI SECONDED. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SAIVETZ, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE; ZUNZ, AYE.

Ms. Simpson commented that she had emailed two dates that FDOT had agreed to meet: October 26, 2010 and October 27, 2010, from 10:00 am to 12:00 pm. Mr. Hackett noted that he would be out of town. Ms. Simpson pointed out that the meetings were scheduled for next week, because there was direction from the Town Manager and Town Commission to schedule for the following week after this board meeting.

Mr. Wild offered to step in for Mr. Hackett and take notes. Ms. Simpson noted that it was an open meeting. Chair Webb asked staff to email the board once the date was confirmed.

AGENDA ITEM #4
CONSENT AGENDA

MR. WILD MOVED APPROVAL OF THE MINUTES OF THE SEPTEMBER 21, 2010, REGULAR MEETING. MS. ZUNZ SECONDED THE MOTION.

Mr. Hackett referred to page 12 of the minutes and noted it referenced the timeframe should be changed from 24 to 72 hours and believed it should reference the removal of the banner. Mr. Hartman responded that was the board's intent. Mr. Hackett asked if single banner meant that particular banner was 40 square feet, or limited to a single banner. Mr. Hartman replied that was correct.

Mr. Hixon referred to page 13 of the minutes where he had questioned Steve Schield, Planner, regarding the ANSI standards, and he had suggested that the University of Florida "*Pruning Trees in the Landscape*," was specifically written for Florida and should be the adopted standard. He commented that when he made that suggestion, Ms. Simpson responded that it would be included; however, the minutes indicated it would be included in the educational program, but the board was not discussing the educational program and were discussing the standard that would be adopted. Ms. Simpson replied that her comment was directed toward the educational program and was not intended to amend the code; there was not a code amendment made for that item. Mr. Hixon disagreed.

Mr. Symanski asked the town attorney if there was a problem with having standards in the code, as opposed to education. David Persson, Town Attorney, explained that if the board wished to change their recommendation to the Town Commission, then they could: a) add discussion of the item to the agenda; and, then b) make a motion to amend their recommendation. Ms. Simpson commented the ANSI standards were included in the draft ordinance. She pointed out that Mr. Schield had specifically included the ANSI standards as per the discussion at the subcommittee level, and at the suggestion of Mr. Hixon in previous discussions.

Ms. Zunz commented that she would like to review the Florida standards as compared to the ANSI standards to see if they were more appropriate. She believed what served the Town best should be included in the code.

MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, NO; SAIVETZ, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE; ZUNZ, NO.

MR. HACKETT MOVED TO AMEND THE AGENDA TO INCLUDE CLARIFICATION OF THE STANDARDS INCLUDED IN THE TREE CODE REGULATIONS. MR. WILD SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SAIVETZ, NO; SYMANSKI, AYE; WEBB, AYE; WILD, AYE; ZUNZ, AYE.

MR. HIXON MOVED THAT IN ADDITION TO THE ANSI STANDARDS IN THE REGULATIONS, THE CODE INCLUDE THE UNIVERSITY OF FLORIDA “PRUNING SHADE TREES IN THE LANDSCAPE” AS A SUPPLEMENTARY STANDARD IN THE REGULATION. MR. ALPERS SECONDED THE MOTION.

Mr. Wild asked if the University of Florida standards had a fiscal impact, and if there were any conflicts between those standards and the ANSI standards on pruning. Steve Schield, Planner, explained that the University of Florida does not have adopted standards, but they had a recommendation pamphlet that followed the ANSI standards. He talked directly with the University and the extension service, and they did not have adopted standards, but they did provide a number of educational pamphlets and articles discussing the best way to prune and other agricultural issues. He noted the University followed the ANSI standards. Mr. Wild asked if there were other competing standards in Florida. Mr. Schield replied no; most followed the ANSI standards.

Mr. Saivetz commented the problem he saw with Florida standards were they were a piece of paper, but the ANSI standards reflected things that changed over the years. He believed it was easier to reflect ANSI standards than a pamphlet. Mr. Hixon responded that the ANSI standards would be included, and this would just supplement those standards with some detailed Florida information that would not conflict.

Mr. Symanski asked if Mr. Hixon was wishing to adopt the pamphlet into the code. Mr. Hixon explained that he wished to adopt standards that were published by the University of Florida for pruning shade trees in the landscape. Mr. Symanski asked if he intended that item have a date. Mr. Hixon replied it would be the same as the ANSI standards; ANSI standards could change and the University of Florida standard could change. Mr. Symanski questioned whether staff had a problem with including the item. Mr. Schield commented that the materials were helpful for education; ANSI standards were included in the code for adoption, but if the board wished to include the University of Florida material as an additional informational tool, that was fine; however; he reiterated that the University of Florida information was not an adopted standard and just an informational article.

Mr. Hackett noted that the pamphlets would change at some point, and asked if it would be acceptable to include a reference to the pamphlet instead of including the actual pamphlet itself. Mr. Hixon commented a notation could be included referencing Fact Sheet ENH853. Ms. Simpson pointed out that when the fact sheet changed numbers it would require an amendment to the tree code. Mr. Schield noted that the current code referenced the agricultural extension services as a source of information and education.

Chair Webb voiced concern with the motion as stated, because it included the University of Florida standards for pruning shade trees in the landscape as part of the regulations. She noted there were no University of Florida standards, but the item was a fact sheet that was not date specific or standard specific. She mentioned it was an informational brochure that was important for citizens to have, but she was concerned they were not discussing a specific set of standards that had a regulatory process to be updated and corrected.

Ms. Zunz commented that in the tree code it referenced the ANSI standards, and asked if the standards were actually in the code or were they included by reference. Mr. Schield replied they were included by reference. Ms. Zunz asked if there were illustrations.

Mr. Schield commented there were illustrations within the ANSI standards. He commented that when reviewing other tree codes within the state of Florida, this was the uniform standard they adopted. Mr. Saivetz understood Mr. Hixon's comments, but the problem he had, technically, were there were two separate standards. He commented that in the event of a conflict, which standard should be referred to. Mr. Hixon noted that the ANSI standard did not provide the diagrams on how to prune palms; it would be supplementary and added to the information. Mr. Saivetz asked if those drawings were significant, would it be acceptable to only include the sketches. Mr. Hixon replied that was fine with him.

MR. SAIVETZ MOVED TO AMEND THE MOTION TO INCLUDE THE DIAGRAMS AS DESCRIBED IN THE UNIVERSITY OF FLORIDA PAMPHLET RELATED TO A RECOMMENDATION FOR PRUNING OF PALMS IN THE ORDINANCE AS EXHIBIT 'A'. MR. SYMANSKI SECONDED THE MOTION.

Mr. Symanski commented that the ANSI standards had to be followed or there would be a violation, and asked, for clarification, if Mr. Hixon was intending the University of Florida information as a recommendation or standards to be followed. Mr. Hixon replied standards to be followed. Ms. Zunz suggested the motion state, "Exhibit 'A' to include diagrams of proper pruning of palms as per the University of Florida pamphlet.

MS. ZUNZ MOVED TO AMEND THE MOTION TO STATE, "EXHIBIT 'A' TO INCLUDE DIAGRAMS OF PROPER PRUNING OF PALMS AS PER THE UNIVERSITY OF FLORIDA PAMPHLET." MR. ALPERS SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SAIVETZ, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE; ZUNZ, AYE.

Setting Future Meeting Date

The next meeting was scheduled for November 16, 2010.

ADJOURNMENT

The meeting was adjourned at 9:59 am.

John Wild, Secretary
Planning and Zoning Board