

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

SEPTEMBER 21, 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, Members Phineas Alpers, Laurin Goldner, Walter Hackett, Bradford Saivetz, George Symanski, Patricia Zunz

Members Absent: Secretary John Wild

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

Ms. Chipman swore all those testifying at this time.

AGENDA ITEM #1
JEWFISH KEY, 7140 LA LENAIRE DRIVE, SPECIAL EXCEPTION APPLICATION (QUASI-JUDICIAL)

Pursuant to published notice, the public hearing was opened.

Steve Schield, Planner, provided an overview of the application noting it was an amended special exception application from the original application approved in February 2010. The original special exception was granted to increase the square footage of dock area from the maximum allowed of 500 square feet to 1,998 square feet to provide mooring areas for three of the shallow lot owners located on Jewfish Key. He explained that the P&Z Board had placed a condition upon the approval whereby all five shallow lot owners were to be contacted and given 90 days to respond if they wished to participate in the proposed common dock area, and if more than three of those owners wished to participate, then the special exception would be amended. He pointed out that four of the lot owners responded that they would agree to the conditions of the special exception, and the applicant's agent has revised the application for the special exception to include mooring areas for four shallow lot owners (8 slips) and two common mooring areas. Mr. Schield continued with reviewing a PowerPoint presentation showing the subject site and conditions.

Mr. Schield referred to Exhibit 'A' of Special Exception Order 2010-03, Condition 11, which stated, *"Prior to application for building permit the owners of lots 5a & 5b, 6 & 7, 8 & 9, and 12 & 13, together with their mortgage holders, the Association and the Town shall enter into an agreement for the use of the proposed docking facility."*

The agreement shall be in recordable form and at a minimum shall include:...” and noted that the applicant was requesting the language, “...together with their mortgage holders...” be deleted as it was thought the agreement could be accomplished without the mortgage holders signing off at this time.

Mr. Symanski referred to the bottom of page 2 of 6 of the staff report where it referenced that, as a condition of obtaining the building permit, the applicant was to remove the illegal portion of the dock. Mr. Schield responded that the staff report was drafted in June 2010, as the application was originally scheduled for the June P&Z Board meeting, which was canceled. He noted that at this time, the applicant had completed the removal of the illegal portion of the dock.

Jose Suriol, president of the Jewfish Key Homeowner’s Association, reiterated that the only issue the association had was with the language concerning the mortgage holders, which was addressed by Kelly Martinson, Town Attorney.

No one else wished to be heard, and the hearing was closed.

MR. HIXON MOVED THE P&Z BOARD APPROVE SPECIAL EXCEPTION ORDER 2010-03, WITH THE MODIFICATION TO EXHIBIT ‘A’, CONDITION 11, TO DELETE THE WORDS, “TOGETHER WITH THEIR MORTGAGE HOLDERS.” 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; ZUNZ, AYE.

AGENDA ITEM #2
THE CENTRE SHOPS, 5350 THROUGH 5390 GULF OF MEXICO DRIVE, OUTLINE
DEVELOPMENT PLAN AMENDMENT (QUASI-JUDICIAL)

Pursuant to published notice, the public hearing was opened.

Ric Hartman, Planner, informed the board this was a request to amend Ordinance 2007-07, which expanded the list of permitted land uses within the Sandhamn Outline Development Plan (ODP) area. He explained the applicant was requesting an amendment to replace the current permitted use list in order to allow additional uses, and noted that the current list did not include certain land uses allowed in the C-1 Limited Commercial zoning district. He pointed out the applicant was having difficulty leasing some of the spaces to prospective tenants because of the limitation.

Mr. Hixon referred to item 5 on Exhibit ‘B’ of proposed Ordinance 2010-32, neighborhood convenience store, and asked if it would allow a 24-hour operation. Monica Simpson, Planning, Zoning & Building Director, explained there was no limitation on hours of operation in the C-1 zoning for a neighborhood convenience store, and that it would require a site plan review by the P&Z Board. Mr. Hixon voiced concern with the impact of a 24-hour operation on the adjacent residential properties. Ms. Simpson pointed out that under the site plan review process, the board could limit the hours through conditions.

Ms. Zunz commented that she saw the list of existing tenants and uses, but wondered what category acupuncture, massage therapy, the Rehab Association, and Key Rehabilitation would fall under. Mr. Hartman responded those uses could fall under the medical/dental clinic use. He noted the applicant was wishing to provide services that were complimentary to the existing uses. Mr. Hackett commented that it was noted an exercise studio was not an allowable use, and asked if the Education Center provided, or conducted, dance or exercise classes. Don Roberts, property owner, responded he believed they did offer classes.

Mr. Alpers voiced concern with the bicycle/scooter rental and sales, and the water-related sports rentals and sales. He believed this was quite a different concept than the other commercial enterprises. Mr. Roberts commented that he had attempted to draft a list that would provide flexibility. Ms. Simpson pointed out that Palm Plaza rented scooters, and Town Plaza rented bicycles, but she had informed them they could not store or display the items outside. Concerning the neighborhood convenience store, she reiterated that the board and the Town Commission could place specific hours of operation conditions on the approval, but they had to be reasonable. Mr. Hixon voiced concern with the list of uses, because they "cried out" to be on the sidewalk, but he did not have a problem if they were within the building.

Richard Perlman, president of the Sandhamn Homeowners Association, provided a history of the site. He voiced concern with Exhibit 'B' and certain uses listed under permitted uses (No. 11), permitted special exception uses (Nos. 2 & 3), and those requiring site plan review (Nos. 1, 2, 3, and 6). He discussed their concerns with each, noting it was mainly for environmental reasons. He mentioned that another concern was with the trash bins behind the shops that were left open at night; they not only have the odors, but also problems with raccoons and other vermin. As a result of that concern, Mr. Perlman commented they did not wish to see any further establishments that served food. He also provided concerns related to problems with runoff from the Centre Shops site into their drainage pond, and any type of pet boarding, grooming, etc., due to possible runoff and noise. Concerning item 6 referencing the cell antennas, he was assured by Ms. Simpson that it did not include cell towers. He noted there were antennas existing on the roof at the Centre Shops that were about six feet in height, so he would request that the board place a limitation on item 6 that antennas be no more than six feet in height.

Mr. Symanski questioned the origination of the odors noted by Mr. Perlman. Mr. Perlman replied they were from the trash bins as they were left open at night. As a result, they were having problems with raccoons and rats. Mr. Symanski questioned what conduct was causing the runoff into the pond. Mr. Perlman explained that behind the Centre Shops there was a service road, and some of the delivery trucks drop oil that went through the drainage grates in the roads, which run through a pipe into their drainage pond. Mr. Hixon commented that he believed that issue was a management problem as the management should control what happened on their site. The tenants should not be allowed to wash anything outside that would pollute the stormwater system. Ms. Zunz voiced concern with the rodent issue, and she did not understand why the trash bins could not be covered.

Ms. Simpson pointed out to the board that the meeting was to consider an alternative list of land uses for the ODP. The majority of the problems outlined by Mr. Perlman were land uses that would be heard by the board or the Town Commission, if someone proposed those uses for Mr. Roberts's property, at which time other conditions of approval, or requirements, proving they were not draining into the stormwater system could be provided or required. There was a process in place that would ensure there was a public hearing when specific land uses were being proposed, but also the ability for the town to specifically address those issues. She noted that a number of the uses could be allowed at this time, but they wanted to provide a cleaner, and much more specific, list. Concerning the rooftop antenna, she mentioned that in order to have an antenna, the building had to be more than 40 feet tall; the antenna had to be limited to ten feet; and had to be camouflaged. She could assure the board that none of the antennas on the Centre Shops qualified as telecommunication antennas under the Town Code or were grandfathered. Ms. Simpson noted that the issue with the open dumpsters could be addressed through code enforcement. Discussion ensued on reporting of the open dumpsters, and state and local laws that regulate health and sanitation.

Donna Pettinato, 5362 Sandhamn Place, discussed problems with the drainage into their drainage pond; observing workers from the restaurant hosing down mats from the kitchens behind the shops; and concern with allowing any type of animal services. She also discussed that Sandhamn Place Homeowner's Association owned the road from Gulf of Mexico Drive onto Sandhamn Place, along with part of the service entrance area. She pointed out that Sandhamn Association maintained the road, not the owner of the Centre Shops.

Clara Dixon, 5372 Sandhamn Place, voiced concern with environmental impacts from the uses being proposed.

No one else wished to be heard, and the hearing was closed.

MS. ZUNZ MOVED THE P&Z BOARD RECOMMEND APPROVAL OF THE OUTLINE DEVELOPMENT PLAN AMENDMENT APPLICATION FOR THE CENTRE SHOPS WITH THE FOLLOWING MODIFICATIONS TO EXHIBIT 'B' OF ORDINANCE 2010-32: THAT NO ADDITIONAL FOOD SHOPS COULD COME INTO EXISTENCE UNTIL THE PROBLEM OF THE OPEN TRASH BINS AND RUNOFF WERE RESOLVED, AND THE REMOVAL OF ITEMS 1, 2, AND 3 RELATED TO PET SERVICES FROM THE LIST OF 'PERMITTED USES REQUIRING SITE PLAN REVIEW BY THE TOWN COMMISSION. MR. ALPERS SECONDED THE MOTION.

Mr. Hackett concurred with Ms. Zunz's comments concerning pet services. He pointed out that pet services were usually found as 'stand alone' facilities, and he did not believe the shopping center was the place for such services. Mr. Symanski asked if the condition related to the food service included the washing of materials outside the restaurant. Ms. Zunz responded it included all the items noted that were of environmental concern. Chair Webb believed the concerns that were noted about the food service facilities, such as the washing of materials outside, were against state law for food service; it was an enforcement issue as much as it was a zoning issue.

Ms. Simpson commented that there was no assumption that the list of uses was for the existing structure as it stood at this time; they could be utilized for a complete redevelopment of the property, and that was how staff reviewed particularly with the different categories that were being reviewed.

Mr. Saivetz requested clarification of which conditions were being referenced by Ms. Zunz. Ms. Zunz noted that all additional food services should not take place until the problems with open trash and the wastewater going into the drainage pond were addressed. She also was recommending removal of the three pet service uses as she did not believe they should be allowed.

Chair Webb discussed whether the board should leave the language related to food service in the motion or remove it. Mr. Hackett pointed out that it was noted it would be the sale of pre-packaged items. Mr. Hixon did not believe enforcement should be in the motion; the uses could still be deleted from the list and the board approves the remainder.

Mr. Symanski requested clarification of Ms. Simpson’s statement related to enforcement of the concerns related to the food service facilities. Ms. Simpson explained that any business could, on a given date, go into some type of violation level. She noted that the majority of the land uses that were considered “noxious” would be brought back to the board or Town Commission, where very strong conditions could be placed upon the approval. Mr. Symanski asked if it would be helpful to make it part of the zoning. Ms. Simpson replied no. She commented that all the laws and regulations currently existed and could be enforced today. She pointed out the problem was the Town was not made aware of the concerns until this meeting.

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

The Board recessed from 10:10 am – 10:17 am.

AGENDA ITEM #3

RESOLUTION 2010-28, BAYFRONT PARK RECREATION CENTER, 4052 GULF OF MEXICO DRIVE, COMPREHENSIVE PLAN AMENDMENT

Pursuant to published notice, the public hearing was opened.

Ric Hartman, planner, provided an overview of the comprehensive plan amendment for Bayfront Park Recreation Center, noting it would make the land uses consistent, but there would be a need to amend the Future Land Use (FLU) map in order to allow for future expansion. Mr. Symanski asked if the Town’s property and the county property would be “inextricably intertwined;” and would the county be able to do what they wish to their parcel, and if so, should the Town place a condition on the approval.

Bruce St. Denis, Town Manager, explained there would be a memorandum of agreement with Sarasota County, which included a document that provided significant restrictions as to what could be done with the parcel.

He noted there was a tentative concept plan that was approved by the Sarasota County Board of Commissioners, along with the Longboat Key Town Commission. He pointed out the county property would be a park-like setting, with the Town's property having the active parcel. The plan has been agreed upon, but there needed to be further agreements as to the use of the property. Mr. St. Denis commented that the property would address the recreational requirements for Longboat Key. Mr. Symanski asked if he would be opposed to a reference being included that noted the open space was part of the Bayfront Park. Mr. St. Denis responded he did not have a problem, but he did not know if it was appropriate. Attorney Martinson explained that if the board adopted something that was site specific for this parcel, it would limit the county use of the land, and if the county did not agree, they could go through an administrative challenge. Mr. Symanski noted his suggestion was to include a reference in the amendment. Ms. Simpson responded that it could be included in the Data & Analysis (D&A). She suggested the motion could be to recommend approval of the proposed amendment to the comprehensive plan with additional language to be incorporated in the D&A specifically addressing the county land being incorporated as part of the new development of Bayfront Park Recreation Center.

Mr. Saivetz voiced concern with the modification of the comprehensive plan for three acres, when the town had already modified the plan by removing 27 acres out of the active recreation with the Longboat Key Club-Islandside Outline Development Plan (ODP) amendment application. He asked why an amendment was not part of that application. Ms. Simpson explained that the proposed comprehensive plan amendment specifically addressed the future land use map (FLUM), which designated the parcels as either residential or commercially-zoned properties, which would not allow development of a recreation site. She noted the underlying zoning for the property at Islandside was GPD, with a future land use that was associated to that underlying zoning district which allowed for a mix of uses. There was no need to amend the comprehensive plan during the Islandside application.

No one else wished to be heard, and the hearing was closed.

MR. SYMANSKI MOVED THE P&Z BOARD RECOMMEND APPROVAL OF RESOLUTION 2010-28, APPROVING A COMPREHENSIVE PLAN AMENDMENT FOR BAYFRONT PARK RECREATION CENTER, WITH THE AMENDMENT THAT LANGUAGE BE INCLUDED NOTING THAT THE APPROVAL WAS CONTINGENT UPON AN ATTACHMENT OF THE COUNTY PROPERTY TO THE BAYFRONT PARK RECREATION CENTER. MR. HIXON SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SAIVETZ, AYE; SYMANSKI, AYE; WEBB, AYE; ZUNZ, AYE.

AGENDA ITEM #4
ORDINANCE 2010-30, 10-YEAR WATER SUPPLY WORK PLAN

Pursuant to published notice, the public hearing was opened.

Ric Hartman, planner, provided an overview of the request noting that on April 27, 2010, the town transmitted to the Florida Department of Community Affairs (DCA) a comprehensive plan amendment to implement a 10-year potable water supply plan, which was required by Florida

Statute 163.3177(6)(b). On July 2, 2010, the town received the Objections, Recommendations and Comments (ORC) report from the Department of Community Affairs (DCA) and worked with the Public Works Department to address the DCA concerns. He mentioned that staff had received preliminary approval of their revisions. He commented the ordinance needed to be adopted and then would be sent back to DCA in response to the ORC report.

Mr. Saivetz referred to page five of the ordinance which addressed capacity analysis and commented that he believed at some point the town needed to reflect the impact of the Islandside redevelopment in the comprehensive plan. He wondered if this population analysis accommodated the approval that was recently given to Islandside. Mr. Hartman responded that at this point it did not address Islandside, but in the future it would be addressed. Ms. Simpson explained that, as with any approved development or any amendments to the comprehensive plan, especially through the Evaluation and Appraisal Report (EAR), the town would be required to update the plan to incorporate any new developments, their proposed densities, etc. She pointed out that the comprehensive plan addressed, in the Potable Water sub element, the development, but not specifically by name. She noted it also called for the payment of a Facility Investment Fee (FIF) for the additional water capacity that Islandside would need when and if it was ever developed.

No one else wished to be heard, and the hearing was closed.

MR. SYMANSKI MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCE 2010-30 AS WRITTEN. 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; ZUNZ, AYE.

AGENDA ITEM #5
ORDINANCE 2010-20, AMENDMENTS TO CHAPTER 156, SIGN CODE

Continued from the May 18, 2010 meeting

Pursuant to published notice, the public hearing was opened.

Ric Hartman, planner, provided a brief history of the Sign Code. He commented the proposed ordinance maintained many of the current standards for signs, and was revised in order to clarify and make it user-friendly. He pointed out there were several items where staff was requesting policy direction from the board.

Changeable Copy Signs

Mr. Hartman referred to the issue of changeable copy signs noting that currently, the code allowed for changeable copy signs that indicated "vacancy," "no vacancy," "for lease," "for rent," or other language indicating the availability of temporary occupancy or the price of gasoline. He commented that staff was asking whether there should be further flexibility to allow for changeable copy on signs. Chair Webb believed they should allow for those types of modifications on existing signs. Mr. Hixon commented as long as they were not neon.

Discussion ensued on the lettering and style with Chair Webb noting she did not wish for someone to dramatically change the appearance of the sign.

Variety of Riders

Mr. Hartman noted that riders usually stated “vacancy,” or provided other information for tourist facilities, and under the current code, riders were prohibited. He pointed out that riders were not on the sign face, but usually were attached and hung from the bottom of a sign. He commented that if the riders were allowed, the board could limit the size of the rider allowed and/or the message could be limited. Chair Webb did not have a problem with a single rider on the bottom. Ms. Zunz noted she did have a problem with riders and would rather not see them on the sign. Mr. Symanski suggested the riders be allowed as part of the square footage. Ms. Simpson responded it would be additional square footage, because they were separate from the actual sign face.

There was a 6-2 consensus to allow riders as part of the total allowable maximum area of the sign.

Ms. Simpson asked if the board wished to limit the maximum size of the riders. Mr. Hixon believed they were six inches by the width of that allowable sign. Ms. Simpson responded that was done for real estate signs. Mr. Hixon suggested it be the same as for the real estate signs. Mr. Hartman asked if the board wished to limit the number of riders allowed. **There was consensus to only allow one rider.**

Allowable period for election signs

Mr. Hartman commented that the code would allow for posting of a political sign up to 30 days prior to a vote, but the Town Attorney had pointed out that 30 days did not provide enough lead time for early voting. He mentioned that a review of local jurisdictions showed that some allowed 60 days and others allowed for 90 days.

Discussion ensued on the timeframe for early voting (two weeks prior to the election), with Chair Webb suggesting that the timeframe be between 45-60 days prior. Mr. Hixon agreed with the 45 days.

There was consensus to allow 45 days prior to an election.

Chair Webb noted there was adequate language in the code for fines if the signs were not picked up within 72 hours after the election.

Proposed setback

Mr. Hartman commented that staff was requesting direction as to a proposed setback of two feet for signs located along a right-of-way less than 50 feet in width. He noted there were other portions of the code that allowed for a two foot setback, and staff was proposing this change to be consistent.

There was consensus to allow a two foot setback for signs located along a right-of-way less than 50 feet in width.

General Sign Code Discussion

Chair Webb referred to page 4, Portable Sidewalk Signs, and asked if it was a realistic objective. She asked if the language addressed shopping centers, because if there was a portable sign outside one business, the adjacent business would see the sign. Ms. Simpson commented it was all one property. Mr. Hartman included it was not the adjacent business. Mr. Hixon pointed out there was a question of the size if it was two-faced; how was that interpreted. Mr. Hartman explained that was the size of the sign structure, along with the sign face, and the owner would be allowed to have something posted on both sides of the sign.

Mr. Symanski referred to page 3 of 7 of the staff report, Flags, and questioned the definition of 'national flag.' Chair Webb responded that it referenced the flag of any country that someone wished to display on their property. Mr. Symanski wished to propose that 'national flag' be the American Flag, because there was a provision for a foreign national and non-profit flag. **There was consensus to define 'national flag' as the American Flag.**

Mr. Symanski referred to the bottom of page 5 and the top of page 6, and the sentence that read, *"the maximum overall sign structure size would be 16 square feet for single tenant properties and 32 square feet for multi-tenant properties."* He believed the sign should be related to the size of the structure, or property, rather than the number of tenants. Ms. Simpson referred to page 18 of the ordinance (item 4 for wall signs) and pointed out that it used the lineal footage of the frontage of the property and staff could use something similar to that chart.

Mr. Symanski discussed the issue of non-conforming signs and asked what would trigger the removal of a sign. Ms. Simpson noted there was a code section that required if the business was not in use for a period of time, then the owner was required to remove the sign. Ms. Zunz questioned the reason for the six-year time period. Ms. Simpson responded that was a result of the Town Attorney's discussion with the board some time ago; the board had discussed the current economic climate and issues with requiring replacement. She referred to page 22 of the proposed ordinance which outlined the three components of a non-conforming sign and when it was required to be changed. She explained that if the board wished to require at new site plan approval, at redevelopment, or when the business changed, then staff could include in the language. **There was consensus to require six years to bring into compliance.**

Mr. Hixon referred to page 3 of 7 of the staff report, Political Signs, and questioned the size of the signs. Ms. Simpson referred to 14(a) of the proposed ordinance (page 11 of 27) and noted each sign shall not exceed five square feet in area. Mr. Hixon continued and referred to page 4 of 7, Special Event Sign Removal, and asked if the board wished to include a timeframe for removal after the event. Chair Webb suggested it be consistent throughout the code with the requirement of 72 hours. **There was consensus to be consistent throughout the code and require removal within 72 hours.**

Mr. Hixon referred to page 6 of 7 (first paragraph) and suggested that the wording, “and the ground cover around the sign,” be cleaned up. He recommended it state “the ground around the sign.”

Ms. Zunz addressed political signs and commented that she was one that was not in favor of increasing from two to four signs. She did not agree with allowing the signs 45 days prior to the election. Chair Webb asked if the board wished to reduce the number of signs allowed. **There was consensus to remain with allowing four signs.**

Mr. Hackett referred to page 13 of 27 of the ordinance, Special Events Signs, Item (1) (a)(ii), which limited the size of special event announcement or directional signs to four square feet, and noted that in Item (B)(1)(d), it referenced banners, and questioned the size requirements. Ms. Simpson responded that staff did not restrict the size, because the board did not wish to include a size restriction for banners. Mr. Hackett asked if they could make a note to clarify, but not restrict the size. Ms. Simpson explained that her only concern was if they included language that said “regardless of size,” then it could result in too large of a banner.

Chair Webb asked why they would be concerned with the banner facing out. Ms. Simpson replied it was a matter of aesthetics, but it was the decision of the board. Discussion ensued about sponsorship banners and their visibility from the street. Ms. Goldner commented that the tennis center would lose sponsors if they were not allowed to display the fact they were a sponsor. She did not have a problem with allowing the banner displayed for three to four days. She asked if there was a way to limit the number of signs that could be displayed. Ms. Simpson replied the board could place a limit on the number displayed. Chair Webb discussed the upcoming triathlon and asked how those signs would be displayed. She did not have a problem with limiting the size of the signs, but noted it was important to enforce that they be removed promptly. Ms. Simpson pointed out currently the signs were not allowed, because the existing code referenced “any public way,” which was determined, by the Town Attorney’s office, to mean anywhere the public could go. Mr. Hackett recommended that the words “public or private right-of-way,” and “adjoining property,” be deleted from the language.

Lawrence Kassouf, dentist on Longboat Key, encouraged the board to ensure that whatever revisions they made to the Sign Code, that it allowed people in business on the island to remain in business, to have viable businesses, and to be able to identify their businesses. He noted that in many cases the existing code did not allow it. He pointed out that his business was located in Mediterranean Plaza, but he had no identification for that building; there were 12 tenants in the building, and they were trying to find some way to have an identifier on Gulf of Mexico Drive.

Discussion ensued on banners, with Mr. Hackett pointing out that in (B) (1) (d) (i), the timeframe should be changed from 24 to 72 hours. Ms. Simpson believed the board was wishing to limit the number of signs and the size of the signs. **There was consensus to limit the temporary banners for special events to a maximum of 40 square feet.**

Mr. Symanski referred to Mr. Kassouf’s comments regarding the signage for Mediterranean Plaza.

Ms. Simpson explained that the Town Commission was addressing the Gulf of Mexico Drive visibility issue with the way finding signs, which the Florida Department of Transportation (FDOT) had provided. There were a lot of businesses along Bay Isles Road and Bay Isles Parkway, but there were other sections of the code that discussed private off-site directional signs. She noted it was up to the owner of the multi-tenant plazas as to how they wished to advertise their tenants. Chair Webb noted it was clearly a landlord-tenant issue.

The board reviewed the sign for the Centre Shops and the tenant slots. Mr. Symanski questioned if the board wished to allow additional slots for signs that were similar to the Centre Shops. Ms. Simpson commented if the board liked the Centre Shops sign, then staff could revise to adjust the proposed code to 12 feet with a maximum of 32 square feet of sign face. **There was consensus to adjust the code to allow 12 feet with a maximum of 42 square feet of sign face.** Ms. Simpson pointed out that action of the board would result in no non-conforming signs.

Mr. Hackett referred to page 15, Item 6, and page 16, Item 6(a) (ii), of the ordinance, Construction Signs, and commented that he would like to allow two signs where it could include both the builder and the architect, or some other vendor included on the sign face. Mr. Hixon suggested that the sign be increased from four square feet to eight square feet. Ms. Goldner commented that she would rather only see one sign on a property. Ms. Simpson pointed out that Item 6(a) addressed single-family homes and wished to ensure the board was comfortable with an eight square foot sign. Mr. Alpers commented that single-family projects usually had a small sign, but if it involved multiple dwellings (large condominiums or projects) there was a need for a significant sign that would allow inclusion of the contractor, architect, lender, etc. **There was consensus to allow eight square feet and one sign.**

Mr. Symanski referred to one of the signs contained on the sign inventory handout and asked if the sign would be acceptable if they wrapped the bottom of the poles. Ms. Simpson pointed out that other parts of the code noted there could only be two feet between the ground and the bottom of the sign; they could redesign the existing sign. Chair Webb believed the board needed to address the open area underneath the sign. She asked if there was a way to address the "open air appearance," pointing out that signs, like the Centre Shops sign, used the space below to address the other tenants, but these signs were for single tenant properties. Ms. Simpson explained that the Town Code addressed single tenant versus multi tenant properties. Chair Webb commented the board needed to reduce the height of single tenant signs. She believed the multi tenant at 12 feet was reasonable, but suggested single tenant should remain at 8 feet. Ms. Simpson noted that multi-family and tourism properties were in a separate category. **There was consensus to hold single tenant properties to 8 feet and allow multi tenant properties to extend to 12 feet.**

No one else wished to be heard, and the hearing was closed.

MR. HACKETT MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCE 2010-20 AS AMENDED. MS. GOLDNER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SAIVETZ, AYE; SYMANSKI, AYE; WEBB, AYE; ZUNZ, AYE.

AGENDA ITEM #6
ORDINANCE 2010-23, AMENDMENTS TO CHAPTER 98, TREE CODE

Pursuant to published notice, the public hearing was opened.

Steve Schield, planner, reviewed the materials included in the agenda packet and explained the recommendations of the Tree Code Subcommittee. He commented that the subcommittee had discussed the national trimming standard referenced in the proposed tree code. Staff had investigated whether there was a state standard and found there was not a state standard, but that they comply with arborist standards. He referred to the draft Ordinance 2010-23, Section 98.04, which required that the trimming of trees shall conform to the American National Standards Institute (ANSI), but in the Town of Longboat Key, arborists, landscape architects, or other licensed professionals were not required to write standards, inspect, or administer tree trimming unless required by state or federal agencies. Mr. Hixon commented that if someone wanted to follow the standard they would have to buy it. Mr. Schield noted that the Town was making an exception, and both Manatee and Sarasota counties have adopted the ANSI standards, but did not require an arborist to do the trimming. He commented the Town would provide the standards. Mr. Hixon suggested providing the University Of Florida's "Pruning Trees in the Landscape," which was handed out by both counties. Ms. Simpson noted that was all part of the educational program that had not been developed at this time. Mr. Schield continued reviewing the staff report.

Mr. Saivetz requested the following changes: the word 'tree' be removed if connected to palms as there were no palm "trees;" and on page 5 of 6, Public Education, referencing the correct version of Black Olive (Shady Lady).

Mr. Hixon suggested the addition of the "Guide to Florida Friendly Landscape" to the list for educational materials. He mentioned that the board had previously voted to delete Seagrape from the recommended list of plants, and suggested that it be removed from the list. He discussed that "trees were important to the island, and the board was here to save, conserve, foster, and encourage tree cover." He commented that if that was their intent, then it must apply to all trees, and the way the ordinance was presently written did not do that. He believed it should apply to both multi- and single-family lots. Ms. Zunz explained that the reason for not including single-family was: 1) the previous tree code was rejected by the Town Commission because it included single-family lots; and 2) there was an enforcement issue. Mr. Symanski agreed with Mr. Hixon on the merits and the law, but the board had submitted the code to the Town Commission and it was rejected. Chair Webb pointed out that when the board suggested a joint subcommittee, part of the reason was to have consensus and to bring an ordinance to conclusion and move forward.

MR. ALPERS MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCE 2010-23 AS WRITTEN. MS. GOLDNER SECONDED THE MOTION.

Mr. Schield questioned the board's direction on suggested amendments, particularly the issue of inclusion of Seagrape. **There was consensus that Seagrape remain on the list.**

Mr. Saivetz asked if the board understood his comments. Chair Webb pointed out that his points were heard, but there was not a consensus to amend the ordinance. Ms. Simpson commented that staff would verify the correct species of Black Olive.

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

AGENDA ITEM #7
DISCUSSION OF POSITION PAPERS

Chair Webb referred to Town Attorney David Persson’s letter, dated August 4, 2010, concerning the issuance of position papers by board members outside an advertised or noticed public meeting. She noted that it was her personal position that it was not useful to receive a memorandum from another board member after discussion, and a vote had been taken, of a subject that was heard at a public meeting. She believed discussion should take place at the meeting where the item was being discussed, or if the board members received the information in advance of a hearing.

Mr. Symanski commented that he did not understand the paragraph concerning legislative matters. Ms. Simpson responded that asking for information was not a problem, but making a statement on one’s position on a subject that was before the board should be discouraged. Attorney Martinson noted that basically they were trying to avoid the expression of opinions that would elicit other’s opinions, which would result in discussions being held prior to a public meeting; however, the members could discuss legislative matters with residents, but not other board members. Ms. Simpson pointed out that Attorney Persson wished to discourage the discussion, but it was not against the law per se.

Mr. Saivetz believed he had a right to express his opinions post hearing. He believed the concern was with his letter written to the newspaper that the Islandside plan that was approved did not follow the comprehensive plan. He suggested the board have a session to discuss comprehensive planning and compliance; the P&Z Board had a responsibility to see that the comprehensive plan was followed. He mentioned that the Vision Plan subcommittee discussed the comprehensive plan, but it was the P&Z Board that should be addressing the plan. Chair Webb responded that one of the components of the Vision Plan subcommittee’s work was to complete the plan document so it might assist as the board moved forward to revise and address the comprehensive plan.

STAFF UPDATE

Ms. Simpson informed the board that she had sent a reminder email concerning the 9-23-10 Town Commission meeting where three issues were being discussed that were of importance to the P&Z Board, including: FDOT representatives in attendance to discuss signage; the Town Commission would be receiving the revised Vision Plan document; and, there would be a presentation regarding comprehensive planning from the Town Attorney’s office. She reminded the board that the P&Z Board could not undertake public hearings on their own initiative without Town Commission approval.

AGENDA ITEM #8
CONSENT AGENDA

MS. ZUNZ MOVED APPROVAL OF THE MINUTES OF THE MAY 18, 2010, REGULAR AND JUNE 18, 2010, SPECIAL MEETINGS, AND SETTING THE FUTURE MEETING DATE FOR OCTOBER 19, 2010. MR. SYMANSKI SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; GOLDNER, AYE; HACKETT, AYE; HIXON, AYE; SAIVETZ, AYE; SYMANSKI, AYE; WEBB, AYE; ZUNZ, AYE.

VISION SUBCOMMITTEE UPDATE

Chair Webb thanked Ms. Zunz and Mr. Symanski for their work on the Vision Plan Subcommittee over the summer break.

ADJOURNMENT

The meeting was adjourned at 12:22 pm.

John Wild, Secretary
Planning and Zoning Board