

**MINUTES
LONGBOAT KEY TOWN COMMISSION
SPECIAL MEETING
JUNE 16, 2014 - 6:30 P.M.**

Present: Mayor Jim Brown, Vice Mayor Jack Duncan, Commrs. Terry Gans, Lynn Larson, Irwin Pastor, Phill Younger, Pat Zunz

Also: Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale,
Present: Town Clerk Trish Granger

CALL TO ORDER

Mayor Brown called the June 16, 2014, Special Meeting to order at 6:30 p.m., in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.

PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission - No items were presented.

ORDINANCES – FIRST READING

2. Ordinance 2014-21, Providing for a 7-Year Franchise Agreement with Waste Management to Provide Solid Waste Collection Services

At the March 17, 2014, Regular Workshop Meeting the Town Commission established the level of service for solid waste collection. The Town Manager has negotiated a franchise agreement with Waste Management Inc. of Florida and prepared Ordinance 2014-21, which provides for approval and adoption of the Solid Waste Collection Franchise Agreement. Ordinance 2014-21 was forwarded from the June 16, 2014, Regular Workshop Meeting for first reading. Recommended Action: Pending first reading and discussion, forward Ordinance 2014-21 to the June 30, 2014, Special Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2014-21 on record by title only.

Commr. Zunz moved to pass Ordinance 2014-21 on first reading and to forward to the June 30, 2014, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Younger.

Following comments by Town Manager Dave Bullock, the motion carried by a 7-0 roll call vote, as follows: Zunz, aye; Younger, aye; Larson, aye; Pastor, aye; Gans, aye; Duncan, aye; Brown, aye.

3. Ordinance 2014-25, Amending Chapter 33, Establishing Procedures for Public Hearings

The Planning and Zoning Board (P&Z) and the Zoning Board of Adjustment (ZBA) routinely hold quasi-judicial hearings for items within their jurisdiction. However, the Town Code does not establish procedures specific to input from applicants or the public. At their May 19, 2014 Regular Workshop Meeting the Town Commission directed staff to draft procedures related to public hearings to clarify expectations and provide guidance for the Boards. Recommended Action: Pending first reading and discussion, forward Ordinance 2014-25 to the July 7, 2014 Regular Meeting for second reading and public hearing.

3. Ordinance 2014-25, Amending Chapter 33, Establishing Procedures for Public Hearings - Continued

Town Clerk Trish Granger placed Ordinance 2014-25 on record by title only.

Commr. Larson moved to pass Ordinance 2014-25 on first reading and to forward to the July 7, 2014, Regular Meeting for second reading and public hearing. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Larson, aye; Zunz, aye; Duncan, aye; Gans, aye; Pastor, aye; Brown, aye; Younger, aye.

ORDINANCES – FIRST READING AND PUBLIC HEARING

4. Ordinance 2013-18, Amending Chapter 158, Telecommunications

At their November 13, 2013 Regular Meeting the Planning & Zoning (P&Z) Board recommended approval and forwarded Ordinance 2013-18 to the Town Commission for consideration. The Commission requested revisions to Ordinance 2013-18, which amends Chapter 158, Telecommunications. The Ordinance was considered by the Commission at the June 16, 2014 Regular Workshop Meeting and forwarded to the June 16, 2014 Special Meeting for first reading and public hearing. Recommended Action: Pending first reading, public hearing and discussion, forward to the June 30, 2014 Special Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2013-18 on record by title only.

Commr. Zunz moved to pass Ordinance 2013-18 on first reading and public hearing and to forward to the June 30, 2014, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Gans.

Mayor Brown opened the public hearing.

Mr. Gus Sclafani, Gulf of Mexico Drive, commented on the proposed rooftop antenna height outlined in Ordinance 2013-18.

Upon inquiry, Planning, Zoning, and Building Department Director Alaina Ray noted the recommendation by the Planning and Zoning Board, opined that the proposed 30-foot height of a rooftop antenna may be out of scale, noted Staff's recommendation for a 15-foot height restriction, and requested inclusion of an additional definition relating to electromagnetic interference. Discussion ensued on the following topics/issues:

- possible locations on a building for an antenna/co-location options
- maximum height recommended by Staff.

Commr. Zunz moved to amend Ordinance 2013-18, Section 158.201(A)(2)(c), to reflect a maximum 15-foot height restriction and definition for electromagnetic interference. The motion, seconded by Commr. Gans, carried by a 7-0 roll call vote, as follows: Zunz, aye; Gans, aye; Brown, aye; Duncan, aye; Larson, aye; Younger, aye; Pastor, aye.

Mayor Brown closed the public hearing.

4. Ordinance 2013-18, Amending Chapter 158, Telecommunications - Continued

The motion to pass Ordinance 2013-18, as amended, carried by a 7-0 roll call vote, as follows: Zunz, aye; Gans, aye; Larson, aye; Younger, aye; Pastor, aye; Brown, aye; Duncan, aye.

5. Ordinance 2013-20, Amending Chapter 158, Outline Development Plan/Planned Unit Development Process

At their May 27, 2014 Regular Meeting the Planning & Zoning Board recommended approval and forwarded Ordinance 2013-20 to the Town Commission's June 16, 2014 Regular Meeting for consideration. Ordinance 2013-20 amends the Town's Land Development Code to address issues in the Town's process for approval of Outline Development Plans and Planned Unit Developments. Recommended Action: Pending first reading, public hearing and discussion, forward Ordinance 2013-20 to the June 30, 2014 Special Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2013-20 on record by title only.

Commr. Zunz moved to pass Ordinance 2013-20 on first reading and public hearing and to forward to the June 30, 2014, Special Meeting for second reading and public hearing. The motion was seconded by Vice Mayor Duncan.

Mayor Brown opened the public hearing.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Alaina Ray and Assistant Town Attorney Kelly Fernandez noted that Staff had worked with representatives of Ocean Properties and requested consideration to amend Ordinance 2013-20 to reflect the following modifications:

• 158.067(C)(9) - Delete (~~strikethrough~~ text) the entire sentence and incorporate (underlined text) the following language:

~~(9) For the MUC-1 and MUC-2 zoning districts only, whether the plan's assignment and placement of the permitted uses listed in section 158.125 either matches the historic land use pattern in that district or is a evolution in harmony with that pattern, versus being an intrusive or incompatible change in pattern. The plan's assignment of uses shall be consistent with the principles and percentages set forth in section 158.009(L).~~

(9) For the MUC-1 and MUC-2 zoning districts only, all permitted uses as listed in Section 158.145 for each district are considered *generally* to be compatible uses in the MUC districts based on the intent to encourage mixed use and clustering at varying scales and intensity. Compatibility shall be achieved at *specific* locations by implementing compatibility techniques, such as those listed in this section as appropriate to the context:

(a) Tourism uses and restaurants shall be designed to minimize noise from outdoor activities, such as outdoor music;

(b) Loading areas and parking at grade shall be screened and landscaped to minimize impacts to residential uses and adjacent rights of way/private roads;

5. Ordinance 2013-20, Amending Chapter 158, Outline Development Plan/Planned Unit Development Process - Continued

- (c) Anti-glare glass shall be utilized in all windows that could potentially reflect toward another residential use; and
- (d) Lighting shall be designed to minimize impacts to residential units and adjacent public rights of way/private roads.
- (e) Additional compatibility techniques shall be employed wherever a proposed structure exceeding four stories is located within 500' of another structure that is substantially lower in height. "Substantially lower" means there is a difference of four stories or more between the proposed structure and the structure within 500'. For the purpose of this provision, acceptable compatibility techniques include, but are not limited to, perimeter berms, landscaping buffers, building orientation, building design and architectural treatments.
- (f) This section does not apply to the compatibility of uses within a proposed PUD development site, as permitted uses are deemed internally compatible.

- 158.067(H)(2) - Amend as follows (additions shown as underlined text):

- (2) For planned unit developments in the MUC-1 and MUC-2 zoning districts, this period shall be increased to ten calendar years₁ or for an approved period longer than ten years₁ for a specific future phase delineated on the final site development plan, provided the developer meets at least two of the following criteria:

- 158.009(L), 2nd paragraph - Amend as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

The approval of units on any parcel beyond ~~these~~ the 892 units in MUC-2 and 1,267 units in MUC-1 authorized by resolution or ordinance prior to January 1, 2014, can be requested through the ODP/PUD process. Approval of additional units is not guaranteed, and in no case may the number of additional units cause the overall density for the entire MUC district to be exceeded.

As no one wished to speak, Mayor Brown closed the public hearing.

Commr. Younger moved to amend Ordinance 2013-20 to incorporate the modifications recommended by Staff. The motion, seconded by Commr. Duncan, carried by a 7-0 roll call vote, as follows: Younger, aye; Duncan, aye; Brown, aye; Gans, aye; Zunz, aye; Pastor, aye; Larson, aye.

The motion to pass Ordinance 2013-20, as amended, carried by a 7-0 roll call vote, as follows: Zunz, aye; Duncan, aye; Pastor, aye; Larson, aye; Brown, aye; Younger, aye; Pastor, aye.

6. Ordinance 2014-17, Small Scale Comprehensive Plan Amendment, 5440-5442 Gulf of Mexico Drive (Levine Property)

At their April 27, 2014, Regular Meeting the Planning & Zoning Board recommended Town Commission approval and forwarded Ordinance 2014-17 to the June 16, 2014, Special Meeting for first reading and public hearing. The Ordinance provides for a Small Scale Comprehensive Plan Amendment to the Future Land Use Map for the property located at 5440-5442 Gulf of Mexico Drive. Recommended Action: Pending first reading, public hearing and discussion, forward to June 30, 2014, Special Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2014-17 on record by title only.

Commr. Larson moved to pass Ordinance 2014-17 on first reading and public hearing and to forward to the June 30, 2014, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Zunz.

Mayor Brown opened the public hearing.

Following comments by Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale noted that the issue under consideration was an amendment to the Comprehensive Plan and was legislative in nature.

As no one wished to speak, Mayor Brown closed the public hearing.

The motion carried by a 7-0 roll call vote, as follows: Larson, aye; Zunz, aye; Gans, aye; Pastor, aye; Younger, aye; Duncan, aye; Brown, aye.

7. Quasi-Judicial Public Hearing on Ordinance 2014-18, Request for Change of Zoning, 5440-5442 Gulf of Mexico Drive (Levine Property)

At their April 27, 2014, Regular Meeting the Planning & Zoning Board recommended Town Commission approval and forwarded Ordinance 2014-18 to the June 16, 2014, Special Meeting for first reading and public hearing. The Ordinance provides for a change of zoning for 5440 Gulf of Mexico Drive from Limited Commercial (C1) to Medium Density Mixed Residential (R-4-MX) and for the front fifty feet of 5442 Gulf of Mexico Drive from Low-Medium Density Mixed Residential (R-3MX) to Medium Density Mixed Residential (R-4MX), limited to 4 dwelling units. Recommended Action: Pending first reading, public hearing and discussion, forward to June 30, 2014, Special Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2014-18 on record by title only.

Town Attorney Maggie Mooney-Portale advised that the public hearing was quasi-judicial and inquired as to any conflict of interest or ex-parte communication.

Commr. Larson noted that a neighbor of the property had contacted her regarding the rezoning and upon inquiry, confirmed that the conversation would not affect her impartiality on the consideration of the request. Upon inquiry, no additional ex-parte communication or conflicts were noted.

7. Quasi-Judicial Public Hearing on Ordinance 2014-18, Request for Change of Zoning, 5440-5442 Gulf of Mexico Drive (Levine Property) - Continued

Town Clerk Trish Granger administered the oath to all those wishing to testify.

Commr. Zunz moved to pass Ordinance 2014-18 on first reading and public hearing and to forward to the June 30, 2014, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Larson.

Mayor Brown opened the public hearing.

Planning, Zoning, and Building Department Director Alaina Ray, duly sworn, gave a PowerPoint presentation on the requested rezoning.

Mr. Peter Dailey, duly sworn, representing the property owner, advised that he has received confirmation that the property has a deeded beach access.

As no others wished to provide testimony, the public hearing was closed.

The motion carried by a 7-0 roll call vote, as follows: Zunz, aye; Larson, aye; Younger, aye; Duncan, aye; Brown, aye; Gans, aye; Pastor, aye.

8. Ordinance 2014-19, Small Scale Comprehensive Plan Amendment, 521 Broadway (First American Bank Property)

At their April 27, 2014, Regular Meeting the Planning & Zoning Board recommended Town Commission approval and forwarded Ordinance 2014-19 to the June 16, 2014, Special Meeting for first reading and public hearing. The Ordinance provides for a Small Scale Comprehensive Plan Amendment to the Future Land Use Map for the property located at 521 Broadway. Recommended Action: Pending first reading, public hearing and discussion, forward to June 30, 2014, Special Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2014-19 on record by title only.

Town Attorney Maggie Mooney-Portale noted that the issue under consideration was an amendment to the Comprehensive Plan and was legislative in nature.

Commr. Zunz moved to pass Ordinance 2014-19 on first reading and public hearing and to forward to the June 30, 2014, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Pastor.

Mayor Brown opened the public hearing. As no one wished to speak, Mayor Brown closed the public hearing.

The motion carried by a 7-0 roll call vote, as follows: Zunz, aye; Pastor, aye; Gans, aye; Younger, aye; Larson, aye; Duncan, aye; Brown, aye.

9. Quasi-Judicial Public Hearing on Ordinance 2014-20, Request for Change of Zoning, 521 Broadway (First American Bank Property)

At their April 27, 2014, Regular Meeting the Planning & Zoning Board recommended Town Commission approval and forwarded Ordinance 2014-20 to the June 16, 2014, Special Meeting for first reading and public hearing. The Ordinance provides for a change in zoning for 521 Broadway from Limited Commercial (C1) to Single-Family High-Density Residential (R-6SF), limited to two dwelling units. Recommended Action: Pending first reading, public hearing and discussion, forward to June 30, 2014, Special Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2014-20 on record by title only.

Town Attorney Maggie Mooney-Portale advised that the public hearing was quasi-judicial and inquired as to any conflict of interest or ex-parte communication, with no ex-parte communication or conflicts noted.

Commr. Zunz moved to pass Ordinance 2014-20 on first reading and public hearing and to forward to the June 30, 2014, Special Meeting for second reading and public hearing. The motion was seconded by Commr. Larson.

Mayor Brown opened the public hearing.

Planning, Zoning, and Building Department Director Alaina Ray, duly sworn, gave a PowerPoint presentation on the requested rezoning.

As no others wished to provide testimony, the public hearing was closed.

The motion carried by a 7-0 roll call vote, as follows: Zunz, aye; Larson, aye; Gans, aye; Pastor, aye; Younger, aye; Duncan, aye; Brown, aye.

NEW BUSINESS

10. Consideration of Request for Temporary Closure of Bay Isles Road for July 4, 2014 Freedom Fest

The Longboat Key Chamber of Commerce has requested Commission consideration for temporary closure of Bay Isles Road on July 4th between the hours of 8:30 and 11:30 AM to hold the annual Freedom Fest parade and festivities scheduled to begin at 9:00 AM. Recommended Action: Pending discussion, approve the request for July 4, 2014, temporary closure of Bay Isles Road.

Following comments, Commr. Gans moved to approve the request for the temporary closure of Bay Isles Road for the July 4, 2014, Freedom Fest. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Gans, aye; Zunz, aye; Pastor, aye; Brown, aye; Duncan, aye; Younger, aye; Larson, aye.

ADJOURNMENT

Mayor Brown adjourned the June 16, 2014, Special Meeting at 7:18 p.m.

Minutes Approved: 09-08-2014