

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

FEBRUARY 19, 2020

The regular meeting of the Planning and Zoning Board was called to order at 9:15 AM by Chair BJ Bishop.

Members Present: Chair BJ Bishop; Vice Chair David Green; Secretary Ken Marsh, Members Penny Gold, David Lapovsky, Debra Williams, Phill Younger

Also Present: Maggie Mooney, Town Attorney; Allen Parsons, Planning, Zoning & Building Director; Isaac Brownman, Public Works Director; Maika Arnold, Senior Town Planner; Tate Taylor, Planner; Donna Chipman, Senior Office Manager

AGENDA ITEM 1

PUBLIC TO BE HEARD

Opportunity for Public to Address Planning and Zoning Board

No one wished to address the board.

AGENDA ITEM 2

APPROVAL OF MINUTES

MR. GREEN MOVED APPROVAL OF THE MINUTES OF THE JANUARY 23, 2020, REGULAR MEETING. MR. YOUNGER SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

CONSENT AGENDA

There were no Consent Agenda items.

PUBLIC HEARINGS

AGENDA ITEM 3

ARIA CONDOMINIUM, 2251 GULF OF MEXICO DRIVE, SITE DEVELOPMENT PLAN APPROVAL (QUASI-JUDICIAL)

Pursuant to published notice, the public hearing was opened. All those testifying at this hearing signed a '*Request to Be Heard*' form affirming their evidence or factual representation. Dan Lear, applicant's representative, provided the Return Receipts to the Board

Maggie Mooney, Town Attorney, asked the Board if anyone had any Ex Parte communications or Conflicts of Interest that they wish to disclose on the record. The board members noted they had no Ex Parte communications or Conflicts of Interest.

Tate Taylor, Planner, provided a PowerPoint presentation on the Site Development Plan Approval for Aria, including discussion of the proposed conditions within Site Development Order 2020-01. Discussion was held between Staff and the Board on:

- Cause of the flooding in the historical building
- The original structure was not built to FEMA standards
- Mold mitigation plans for the existing structure
- Stormwater plans for the additional parking and additional building coverage

Dan Lear, DSDG Architects, representing the applicant, provided an overview of their project, including reviewing the overall site development plan, the proposed new structure, additional parking spaces, updated landscaping to meet and exceed code, and how they will address site drainage issues. Discussion was held with the applicant, Board members and Town Attorney related to the existing drainage issue and resolution of the drainage impacts to Islander Club.

The following individuals commented on the application:

- Randy Cooper, Islander Club
- Don Fagen, Islander Club
- Robert Rosen, Islander Club

Questions were raised by Mr. Green related to stormwater runoff and flooding. Chris Waddle, engineer for Aria Condominium, discussed his assistance with the proposed structure; fixing existing issues with the property; meeting with residents of Islander Club; and, that stormwater issues for the new building will need to go through construction plan review and the building permit process.

Mark Sultana, principal with DSDG architects, and agent representing the applicant, commented there currently is no litigation between the two property owners (Aria and Islander Club). The current litigation is between the property owners of Aria and the original developer/contractor. The original developer/contractor is no longer involved in the project, and a new group has been hired to mitigate all the issues caused by original construction.

During discussion of the proposed site plan, the following issues were reviewed:

- The drainage pond located to the south and west of the proposed new building
- Rain collection on the proposed parking spaces and building and its flow into the pond
- Whether there was sufficient capacity in the pond
- Location of current flooding from Aria site onto the Islander Club property
- Addition of more underground drainage structures on the site

- Assurance that the drainage issue will be resolved, whether addition constructed or not
- That the stormwater mitigation was not part of the site development plan approval, but addressed during the Town permitting process

Discussion ensued between Chair Bishop and Isaac Brownman, Public Works Director, on the drainage issue; the Public Works Department review process; capacity of the new stormwater system; and the Town's utilization of third parties to conduct reviews on substantial projects. There was discussion between Robert Rosen, Gulf of Mexico Drive, and Board member Marsh on Mr. Rosen's observation of the stormwater runoff.

Mr. Green and the Town Attorney discussed whether there was any legal impediment for including another condition that would require, prior to commencement of construction, the existing drainage issue along the property boundary line with Islander Club be resolved. The applicant was asked if they were willing to stipulate and agree to such a condition. Mr. Lear replied the Applicant agreed to the stipulation.

The Board recessed from 10:19 am. – 10:37 am in order to provide time for the Town Attorney, staff, and the applicant to draft language for the stipulation. Following the break, the Town Attorney pointed out the applicant and the representatives of the Islander Club have agreed to the stipulation language. Both Randy Cooper, representing the Islander Club; and Dan Lear, agent representing Aria Condominium Association, confirmed they agreed to the language.

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

MR. GREEN MOVED TO APPROVE SITE DEVELOPMENT PLAN ORDER 2020-01 FOR ARIA CONDOMINIUM BASED ON THE EVIDENCE AND TESTIMONY WITH THE ADDITION OF CONDITION 7 AS FOLLOWS: *THE APPLICANT SHALL SUBMIT STORMWATER PLANS TO THE TOWN TO ADDRESS THE EXISTING DRAINAGE AND RUN-OFF ISSUES ALONG THE NORTHERN BOUNDARY OF THE PROPERTY (ADJACENT TO THE ISLANDER CLUB PROPERTY). PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE NEW MANAGER'S RESIDENCE, THE STORMWATER PLANS SHALL BE APPROVED BY APPLICABLE AGENCIES AND CONSTRUCTED BY THE APPLICANT.* MS. GOLD SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: BISHOP, AYE; GOLD, AYE; GREEN, AYE; LAPOVSKY, AYE; MARSH, AYE; WILLIAMS, AYE; YOUNGER, AYE.

**AGENDA ITEM 4
ORDINANCE 2020-03, RESTAURANT PARKING REQUIREMENTS**

Pursuant to published notice, the public hearing was opened.

Maika Arnold, Senior Planner, gave a PowerPoint presentation on Ordinance 2020-03. Mr. Green asked if staff had received any feedback on the proposed ordinance, with Ms. Arnold replying no.

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

MR. YOUNGER MOVED TO RECOMMEND APPROVAL OF ORDINANCE 2020-03 ADOPTING REVISIONS TO THE RESTAURANT PARKING REQUIREMENTS. MR.

MARSH SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: BISHOP, AYE; GOLD, AYE; GREEN, AYE; LAPOVSKY, AYE; MARSH, AYE; WILLIAMS, AYE; YOUNGER, AYE.

AGENDA ITEM 5

ORDINANCE 2020-04, SWIMMING POOL DEVELOPMENT STANDARD PROVISIONS

Pursuant to published notice, the public hearing was opened.

Tate Taylor, Planner, provided a PowerPoint presentation on Ordinance 2020-04. Mr. Younger thanked staff for reducing the table and making it much easier to understand.

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

MR. YOUNGER MOVED TO RECOMMEND APPROVAL OF ORDINANCE 2020-04 ADOPTING REVISIONS TO THE SWIMMING POOL DEVELOPMENT STANDARDS. MS. GOLD SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: BISHOP, AYE; GOLD, AYE; GREEN, AYE; LAPOVSKY, AYE; MARSH, AYE; WILLIAMS, AYE; YOUNGER, AYE.

WORKSHOP DISCUSSION ITEMS

AGENDA ITEM 6

SINGLE FAMILY STRUCTURE HEIGHT, INCLUDING DAYLIGHT PLANE REQUIREMENTS

Chair Bishop and Allen Parsons, Planning, Zoning & Building Director, provided an overview of the discussions held with the Town Commission at their February 18, 2020, workshop on this subject including:

- The Commission would like the P&Z Board to discuss overlay districts
- A two-part test for Daylight Plane
- The P&Z Board's recommendation to revise the measurement angle
- Suggestion from the Commission to have a Daylight Plane measure that would still retain the change from 65 degrees for a 50-foot wide lot and a steeper angle for larger lots
- Measuring from the Design Flood Elevation (DFE) and not grade
- Measuring Daylight Plane from grade, and any portion of the structure that fell within the Daylight Plane angle would require some type of mitigation to address privacy for adjacent properties.

Discussions were held on the following:

- The P&Z Board's prior recommendation for a 75-degree angle in order to be more permissive
- Feedback from the Commission that the Town should not become more permissive in terms of how to address impacts, but become more aware of how to reduce those types of impacts

- Concern with infringing on the design of people's homes and telling them where they were allowed to place windows
- The Board's discussions on including more landscaping versus requiring no windows facing adjacent properties
- Possible conflicts with the Bert Harris Act
- The Commission's comments on providing incentives to lower height, such as a bonus on amount of lot coverage allowed
- Whether the Board should address providing an overlay as discussed by the Commission; the Commission's point was to allow different scales of overlay in reducing height amongst various neighborhoods
- Whether there should be an overlay district for non-conforming properties, but overlay districts, in general, should be avoided
- Concern with not allowing windows or balconies, which would result in a solid blank wall
- Concern with properties becoming rental/tourism properties

There was consensus for Staff to prepare an ordinance which included the P&Z Board's prior recommendations addressing the concept of providing requirements for screening privacy for single-family homes and maintaining the P&Z Board's proposed revisions to the Daylight Plane requirements of a single 75-degree angle to be measured from grade.

AGENDA ITEM 7

NEW BUSINESS

DISCUSSION OF RESCHEDULING THE MARCH 18, 2020 PLANNING & ZONING BOARD MEETING

Chair Bishop informed the Board there was a Town Commission meeting on March 23, 2020, and the agenda included a 'Meet and Greet' with potential candidates for the P&Z Board vacancy created by her election to the Town Commission. She suggested the Board might wish to reschedule their March 18, 2020 meeting in order to have a full board seated for their next meeting. Mr. Parsons noted Staff was also reviewing two privately initiated applications that would potentially be scheduled for the March meeting.

Following discussion between Staff and the Board, it was decided to reschedule the March meeting to March 31, 2020 beginning at 9:15 AM.

MR. YOUNGER MOVED THE P&Z BOARD RESCHEDULE THE MARCH 18, 2020 REGULAR MEETING TO MARCH 31, 2020 BEGINNING AT 9:15 AM. MR. MARSH SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: BISHOP, AYE; GOLD, AYE; GREEN, AYE; LAPOVSKY, AYE; MARSH, AYE; WILLIAMS, AYE; YOUNGER, AYE.

Mr. Younger took the opportunity to thank Chair Bishop for her service and leadership on the P&Z Board and to the Town, and congratulated her on her election to the Town Commission. Chair Bishop noted it was an honor to serve with the present and past P&Z Boards.

STAFF UPDATE

ADJOURNMENT

The meeting was adjourned at 11:26 am.

Ken Marsh, Secretary
Planning and Zoning Board