

**TOWN OF LONGBOAT KEY
PLANNING AND ZONING BOARD
MINUTES OF REGULAR MEETING
DECEMBER 15, 2020**

Members Present: Chair David Green; Vice Chair Phil Younger; Secretary Penny Gold; Members David Lapovsky (via Zoom), Jay Plager (via Zoom), Debra Williams

Also Present: Maggie Mooney, Town Attorney (via Zoom), Allen Parsons, Planning, Zoning & Building Director; Maika Arnold, Senior Town Planner; Tate Taylor, Planner; Donna Chipman, Senior Office Manager

1. Pledge of Public Conduct

Chair Green noted the Town's Civility Policy and read the Pledge of Public Conduct.

2. Call to Order

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

3. Roll Call

Senior Office Manager, Donna Chipman, called roll for attendance with all members present.

4. Virtual Meeting Protocols and Process

Allen Parsons, Planning, Zoning & Building Director, reviewed the process and protocols for this hybrid meeting:

5. Public to be Heard

At each meeting, the Planning & Zoning Board sets aside time for the public to address issues not on the agenda. No one wished to address the board.

6. Consent Agenda

MR. YOUNGER MOVED APPROVAL OF THE MINUTES OF THE NOVEMBER 17, 2020, REGULAR MEETING AND SETTING THE NEXT MEETING FOR JANUARY 21, 2021. MS. WILLIAMS SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

7. Public Hearings

A. Sage Longboat Key Residences, 4651 Gulf of Mexico Drive, Special Exception Application (QUASI-JUDICIAL)

B. Sage Longboat Key Residences, 4651 Gulf of Mexico Drive, Site Development Plan Application (QUASI-JUDICIAL)

Pursuant to published notice, the public hearing was opened. All those testifying at this hearing have previously submitted a '*Request to Be Heard*' form affirming their evidence or factual representation. Joel Freedman, applicant's agent, provided the Return Receipts to staff.

Chair Green noted that the Board would hold both public hearings simultaneously to expedite the process, but will conduct separate votes for each item at the end of the discussion.

Maggie Mooney, Town Attorney, reviewed the process for Quasi-Judicial hearings as outlined in Chapter 33, Section 33.25, of the Town Code. She 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 an overview of the application with reviewing a PowerPoint presentation and noting:

Special Exception:

- The current Sun -n- Sea project is nonconforming at this time as it exceeds the allowed density
- Four of the existing buildings on the site will be repurposed for the proposed project
- The proposed project meets or exceeds the landscaping requirements of the Zoning Code
- The applicant will provide 80 percent opacity screening on the north and south property lines
- Reviewed a rooftop illustration of the mechanical equipment and other appurtenances
- Reviewed the site line from both the north and south view

Site Plan:

- Proposal was to construct a 16-unit residential condominium where 19 units were allowed on the site
- The building coverage was at 20.9 percent where 30 percent is allowed and the open space was at a minimum of 53 percent where 50 percent was required
- The street setback was required to be 128 feet, and the applicant was proposing 150-foot setback
- The parking requirements required 28 spaces be provided, and the applicant was providing 39 spaces
- The building height was at 50 feet with a 10-foot allowance for rooftop appurtenances
- Reviewed the Findings of Fact contained in the Staff Report

Discussion ensued between the Board and staff regarding:

- Whether the coverage, open space, setback and other requirements noted were for T-6 zoning although the project was residential; the requirements were the same for both zoning districts
- The landscaping on the property and how many existing trees will be removed or retained; a majority of the trees were Australian Pines, which were nuisance species, and the applicant has provided a detailed landscaping plan outlining their plans for removal and buffering

- If there were statistics concerning maintaining the balance of tourism vs. residential; the Town's 'tourism bank' is exhausted, and the Town Commission will need to decide whether they wish to increase the amount of allowed units
- The Town's goals and objectives for addressing redevelopment on the island

Chair Green suggested provide a report for the Board to discuss the balance of tourism land use designations vs. residential, and how many tourism parcels have been converted. Mr. Younger reviewed the history of the 250-tourism unit pool created over 10 years ago pointing out that all units have been allocated, which restores the balance. He did not believe the Town is in a position to tell a property owner they have to maintain tourism units.

Chair Green asked if staff had received any objections. Mr. Taylor replied no. Chair Green asked if the applicant opposed any of the conditions of approval. Mr. Taylor responded no. Chair Green questioned if the opacity level of landscaping was described at 80 percent screening, but it states it was not a specific requirement in the Town Code. Mr. Taylor explained for this project there were T-6 properties to the north and multi-family to the south, and the Zoning Code requires the 80 percent if the property was adjacent to a residential property. Chair Green also questioned the number of parking spaces provided for the project. Mr. Taylor noted the requirements are 1.5 spaces per dwelling unit, plus one for each 5 units or portion thereof.

The Board discussed:

- The height of the structure compared to adjacent properties; the Zota Beach Resort redevelopment maintained/renovated an older structure on the site that was taller; however, the height of the new structure is at 50 feet
- Concern with the driveway and egress for emergency vehicles; how would they be able to turn around and exit the site; the applicant provided turn-around templates for large fire apparatus (C-20 in the plan sheets) to demonstrate they would be able to negotiate the different portions of the site
- That the site will include state-of-the-art fire protection

Joel Freedman, planning consultant for the applicant, provided an overview of the project with reviewing a PowerPoint presentation. He continued with discussing:

- The location of the project
- An illustration of the project and location of the buildings
- Will have an emergency access for the fire department to the beach for their beach vehicle
- Beach landscaping will be enhanced in accordance with state regulations
- Will be adhering to the Town's Marine Turtle Protection ordinance

Gary Hoyt, project architect, and Mr. Freedman continued with:

- Reviewing the interior floor plans
- Noting that each unit has a private elevator entrance and individual garages
- The Special Exception included a request for additional height to accommodate the mechanical equipment, which was setback from the side property lines and Gulf of Mexico Drive so as not to be seen
- The top floor units will have access to the roof, which will include minor landscaping and a plunge pool

- The building windows will be tinted in order to mitigate lighting impacts during turtle season
- Discussing FEMA requirements with staff noting it was measured from the Design Flood Elevation (DFE)

Phil Smith, landscape architect for the project, addressed the landscaping on the site noting:

- Australian pines and Norfolk pines, which were both exotic species, will be removed from the site
- There were two major Live Oaks along Gulf of Mexico Drive the applicant was working to develop the site plan around in order to save and retain on the site
- The owner has not started any work on the site, but there have been failures of several trees which were impacted by storm events

The Board recessed from 10:30 am to 10:45 am to resolve technical difficulties with the Zoom session.

The Board discussed with the applicant:

- If the approximate height of the proposed building was done to-scale compared to the Zota Beach Resort to the north; the proposed Sage project was four stories over parking
- Would the units be long-term units or short-term rentals; the units will be long-term residences
- Whether the applicant agreed with the Findings of Fact and Conditions of Approval with the applicant responding yes.

No one else wished to be heard, and the hearings were closed.

Discussion ensued between the Board members and staff on:

- that the existing structures on the site were tourism units and the proposed structure is residential
- aging units on the island versus newer condominiums
- the proposal removes the nonconformity that currently exists on the site
- the site will be well landscaped and buffered exceeding the Town requirements

MR. LAPOVSKY MOVED TO APPROVE THE SPECIAL EXCEPTION APPLICATION FOR SAGE LONGBOAT KEY RESIDENCES, 4651 GULF OF MEXICO DRIVE, AS SUBMITTED, INCLUDING THE FINDINGS OF FACT IN THE STAFF REPORT AND CONDITIONS OF APPROVAL WITHIN SPECIAL EXCEPTION ORDER 2020-05. MR. PLAGER SECONDED THE MOTION.

Discussion ensued on the ten-foot height limit and the 15 percent of the roof limit not being captured in the record for the special exception with the Chair explaining the application itself is incorporated by reference so all the standards/details that are included in their plan, and in the staff report, are included in the approval. Mr. Taylor responded in addition to the fact that it is included in the materials provided by the applicant, it is a prerequisite of the Zoning Code, Section 158.098, which are the provisions for which the maximum limitations are included for this application. The application must be in compliance with this section.

MOTION CARRIED ON ROLL CALL VOTE: GOLD, AYE; GREEN, AYE; LAPOVSKY, AYE; PLAGER, AYE; WILLIAMS, AYE; YOUNGER, AYE.

MS. GOLD MOVED TO APPROVE THE SITE DEVELOPMENT PLAN APPLICATION FOR SAGE LONGBOAT KEY RESIDENCES, 4651 GULF OF MEXICO DRIVE, AS SUBMITTED, INCLUDING THE CONDITIONS OF APPROVAL WITHIN SITE PLAN DEVELOPMENT ORDER 2020-04. MS. WILLIAMS SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: GOLD, AYE; GREEN, AYE; LAPOVSKY, AYE; PLAGER, AYE; WILLIAMS, AYE; YOUNGER, AYE.

8. Workshop Discussion Items

Continued Workshop Discussion: Commission Direction to Further Consider Ordinance 2020-07, Amending Chapter 158.098(D), Daylight Plane and Single-Family Residential Structure Buffering Requirements and an Overlay District Concept for Single-Family Redevelopment.

Chair Green commented he had discussed the agenda and this item with staff noting that it was anticipated that the discussion would be brought before the Town Commission in April or May 2021. Due to the length of this morning's hearing, he recommended continuing this workshop discussion until the January meeting in order to provide additional time for the Board to review the materials. **There was consensus to continue discussion of this item until the January 21, 2021 P&Z Board Meeting.**

9. New Business

Chair Green informed the Board that Gary Coffin has been appointed as a new member to the P&Z Board and will be joining them at the January meeting.

Chair Green discussed, during their last meeting, the Town Commission had acted on the items that were forwarded from the P&Z Board regarding the revisions to the Land Development Regulations (LDRs) and the Zoning Code. He explained one of the items dealt with notification on Zoning Determination Letters, where the P&Z Board did not follow staff's recommendation and decided each unit owner, versus only the president and secretary of an association, be notified. The Board had also requested staff inform the Town Commission that the P&Z Board would like for them to review other code sections with similar notice requirements. The Town Commission did not follow the P&Z Board's recommendation and approved the staff recommendation to provide notice through an association's president and secretary. The Town Commission had also rejected the recommendation for other quasi-judicial land use decisions.

Chair Green had discussed the situation with the Mayor, and the thought was if this type of situation arises again, the P&Z Board should request a member of the Board to attend the Town Commission meeting to explain the Board's position.

Discussion ensued between the Board, staff and the Town Attorney on:

- Recommendation to have a Board member represent the board's decision on an item
- Providing staff clear direction as to why the Board has a difference on opinion from the staff report
- Providing a 'position paper' from the Board
- Only attending a Town Commission when the Board did not concur with staff's recommendation

- In the past, memorandums were prepared from the Chair to the Town Commission outlining the action; staff could revisit utilizing a written document to clarify the Board's recommendation
- Leaving discretion to the Chair to decide whether he should attend or be heard on a subject

10. Staff Update

Mr. Parsons distributed a memorandum to the Board outlining their accomplishments and decisions in 2020.

Mr. Parsons reviewed items that were being reviewed for scheduling before the Board, including:

- A site plan amendment for Harry's Continental Kitchens
- Continue with batch Zoning Text Amendments
- relocation of the historic structures on Broadway – the smaller structure will be relocated to the Town Center property and the larger structure will be relocated to 6920 Gulf of Mexico Drive (Chiles property)
- a site plan for Buccaneer Restaurant (former Pattigeorge's Restaurant site)
- update to the Town's Comprehensive Plan, and Evaluation and Appraisal Report
- updates to the Property Maintenance Code (Section 104)

Mr. Parsons noted the Town Commission had discussion at their December 14, 2020, meeting with two insurance agents concerning insurance subsidies and that they will be going away, and the impacts for older homes constructed at-grade. He mentioned that if the Board was interested, staff could determine whether they could request the same two agents make a presentation to the Board. Chair Green noted the discussion was very informative and concerning, and outlined the implications to the aging housing stock.

11. Adjournment

The meeting was adjourned at 11:31am.

Penny Gold, Secretary
Planning and Zoning Board